FEDERAL REGISTER

VOLUME 23 NUMBER 1

Washington, Wednesday, January 1, 1958

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 8th Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a).

ARIZONA

E. A. Heald Chicken Yard, P. O. Box 1973, Parker.

Vincent Humeumttewa Farm, Route 1, P. O. Box 59, Parker.

Richard Kinlichee Farm, located at Poston. Mailing address P. O. Box 1654, Parker.

Perfecto Leivas, Sr., Farm, Route 1, Box 216, Parker.

Nihighan Farm Incorporated (dairy), 3663 North Dodge Boulevard, Tucson.

Luke Patch Farm, P. O. Box 207, Parker.

Ranchers' Mercantile property, Amado Post Office, Amado.

Daniel Robles Residence, P. O. Box 1591, Parker.

Howard Saklestewa Farm, south of Parker, Route 1, P. O. Box 49, Parker.

Morris Sevada Farm, Route 1, P. O. Box 55, Parker.

Swanson Farms, Inc., General Delivery, Arlington.

Nelson Webster Farm, Route 1, Box 30, Parker.

CALIFORNIA

P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.

Erinio Jacobs property, located at the intersection of Road 88 and West C, P. O. Box 1304, Niland.

Kido Farms, located at the intersection of Roads 86 and West A, P. O. Box 587, Niland.

Kimiko Ishimino property, located at the intersection of Roads 86 and East D, P. O. Box 417, Niland.

J. M. Lash property, 331 First Street, P. O. Box 631, Niland.

Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.

J. O. Pairsh Farm, P. O. Pox 138, Holtville.

Eugene P. Santos property, located 1 mile south of Wister Station on Highway 111, P. O. Box 551, Niland.

Walter E. Scott Ranch, located at the southwest corner of 14th Avenue and Defrain Boulevard, P. O. Box 283, Blythe.

Andy (Fay) Soriano property, located at the intersection of Roads 81 and East D, P. O. Box 1317, Niland.

United Food Center (Mr. Mah, owner), Niland.

United Food Store, Highway 111, Niland.

Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 403, Niland.

C. R. Natividad Vista property, 517 Fifth Street, P. O. Box 570, Niland.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.

Floyd B. Carrion property, located on the south side of Avenue 70, 0.8 mile west of Lincoln Street, P. O. Box 564, Mecca.

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

C. C. Huff Farm, Route 2, Box 46, Imperial.
C. E. Kline Ranch, Route 2, Box 282, El Centro.
Union Development Co. Warehouse, located approximately 100 yards south of the intersection of County Roads No. 86 and West A, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the seventh revision, effective December 18, 1957, an infestation of the khapra beetle was discovered on the premises of the Frances Robles Restaurant, P. O. Box 1591, Parker, Arizona. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra bettle infestation. Accordingly, this property is not being included in this revision.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective January 1, 1958, when they shall supersede P. P. C. 612, Seventh Revision, effective December 18, 1957 (22 F. R. 10119).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5

U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of December 1957.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F. R. Doc. 57-10907; Filed, Dec. 31, 1957; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 492 (22 F. R. 8265), as amended by Administrative Orders Nos. 494 (22 F. R. 9235) and 496 (22 F. R. 9367), appointed, convened, and gave notice of the hearings of Industry Committee No. 35-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to investigations and hearings conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage orders for this industry in Puerto Rico are contained in 29 CFR Part 672. The definition of the industry in the new wage order is the same as that contained in the current wage order for the construction, business service, motion picture, and miscellaneous industry in Puerto Rico. The recommendations of Industry Committee No. 35-B for the construction, business service, motion picture, and miscellaneous industry in Puerto Rico include a revision of the classifications within the industry and a recommendation for new rates of pay for such revised classifications.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and General Order No. 35-A of the Secretary of Labor (22 F. R. 7614), the recommendations of the committee are hereby published in these amendments to Title 29 of the Code of Federal Regulations, effective January 17, 1958, to read as follows:

Sec.
672.1 Definition.
672.2 Wage rates.
672.3 Notices.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 672.1 *Definition.* The construction, business service, motion picture, and miscellaneous industry in Puerto Rico to which this part shall apply is defined as the design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints; the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the definition shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

§ 672.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the business service, motion picture, industrial and other building construction and special trade contractors, and miscellaneous industry classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer, and the production of photographs and blueprints (except activities included in the janitorial and custodial service classification, as defined herein); the production and distribution of motion pictures and all activities incidental thereto; all activities connected with the construction (including new work, additions, alterations, demolition, and repair) of buildings such as industrial, commercial, institutional, and public buildings, electric power plants, natural gas compressing stations, oil pumping stations and similar building construction, the installation or construction of access roads and similar facilities, furnaces, kilns, and similar appurtenances of industrial plants, and the assembling at the construction site and the installation of machinery in or upon buildings, structures, and other improvements, and with the work performed by contractors who specialize in activities such as plumbing, heating, decorating, electrical work, foundation work, the erection or servicing of building equipment, such as elevators, and other related construction specialties including the installation of insulation and air conditioning; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That this classification shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

(b) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the highway and street and other heavy construction classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as composed of all work (including new work, additions, alterations, demolition, and repair) performed in connection with heavy construction, including, but not limited to, the construction of roads, streets, guard rails, fences, parkways, parking areas, airport runways, and related work, the construction of sewers and water mains, heavy foundations, elevated highways, bridges, over passes and under passes, dredging and harbor facility construction and improvements and other marine construction operations, and all construction industry activities not specifically included in the business service, motion picture, industrial and other building construction and special trade contractors, and miscellaneous industry classification, as defined herein: *Provided, however,* That this classification shall not include any activity carried on by an establishment primarily engaged in another industry for its own use.

(c) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the janitorial and custodial service classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the activity carried on by any business performing office cleaning, floor waxing, and other janitorial services, disinfecting and exterminating, custodial and watchman services, and related services to industrial or commercial establishments or to the consumer.

§ 672.3 *Notices.* Every employer subject to the provisions of § 672.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 672.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 26th day of December 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-10904; Filed, Dec. 31, 1957; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1957 Dept. Circ. 653, 4th Rev., Amdt. 1]

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

MISCELLANEOUS AMENDMENTS

DECEMBER 23, 1957.

Sections 316.7, 316.8, and 316.11 (a) of Department Circular No. 653, Fourth Revision, dated April 22, 1957 (31 CFR Part 316), are hereby amended effective January 1, 1958, to read as follows:

§ 316.7 *Registration* — (a) *General.* Generally, only residents (whether natural persons or others) of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to invest in bonds of Series E. Full information regarding eligibility to invest in savings bonds, and authorized forms of registration and rights thereunder, will be found in the regulations currently in force governing United States Savings Bonds.[1]

(b) *Individuals.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary form.

(c) *Others (only in single ownership form).* The bonds may also be registered as follows:

(1) *Fiduciaries.* In the name of any persons or organizations, public or private, as fiduciaries, except where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships and unincorporated associations, and states, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks, which are defined for this purpose as those accepting demand deposits.

[1] Part 315 of this subchapter (Department Circular No. 530).

§ 316.8 *Limitation on holdings.* The limits on the amount of bonds of Series E originally issued during any one calendar year that may be held by any one person at any one time (which will be computed in accordance with the regulations currently in force governing United States Savings Bonds) are:

(a) *General limitation.* $10,000 (maturity value) for the calendar year 1958 and each calendar year thereafter.

(b) *Special limitation applicable to employees' savings plans.* $2,000 (maturity value) multiplied by the highest number of participants in an employees' savings plan (as defined in this paragraph) [2] at any time during the year in which the bonds are issued.

(1) *Definition of plan and conditions of eligibility.* (i) The employees' savings plan must have been established by the employer for the exclusive and irrevocable benefit of his employees or their beneficiaries, afford employees the means of making regular savings from their wages through payroll deductions, and provide for employer contributions to be added to such savings.

(ii) The entire assets thereof must be credited to the individual accounts of participating employees and assets credited to the account of an employee may be distributed only to him or his beneficiary, except as otherwise provided herein.

(iii) Bonds of Series E may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares therein are credited to the accounts of the individuals from which the purchase price thereof was derived, in amounts corresponding with their shares. For example, if $37.50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $7,500, with which a bond of Series E in the denomination of $10,000 (maturity value) is purchased in June 1958 and registered in the name and title of the trustee or trustees, the plan must provide, in effect, that John Jones' account shall be credited to show that he is the owner of a bond of Series E in the denomination of $50 (maturity value) bearing issue date of June 1, 1958.

(iv) Each participating employee shall have an irrevocable right at any time to demand and receive from the trustee or trustees all assets credited to his account or the value thereof, if he so prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan, except that a plan will not be deemed to be inconsistent herewith, if it limits or modifies the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than sixty calendar months succeeding the month for which the employer's contribution is made.

(v) Upon the death of an employee, his beneficiary shall have the absolute and unconditional right to demand and receive from the trustee or trustees all the assets credited to the account of the employee, or the value thereof, if he so prefers.

(vi) When settlement is made with an employee or his beneficiary with respect to any bond of Series E registered in the name and title of the trustee or trustees in which the employee has a share (see subdivision (ii) of this subparagraph), the bond must be submitted for redemption or reissue to the extent of such share; if an employee or his beneficiary is to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the distributee to the extent to which he is entitled, in authorized denominations, in any authorized form of registration, upon the request and certification of the trustee or trustees in accordance with the provisions of the regulations governing United States Savings Bonds.

(2) *Definitions of terms used in this section and related provisions.* (i) The term "savings plan" includes any regulations issued under the plan with regard to bonds of Series E; a copy of the plan and any such regulations, together with a copy of the trust agreement certified by a trustee to be true copies, must be submitted to the Federal Reserve Bank of the District in order to establish the eligibility of the trustee or trustees to purchase bonds in excess of the general limitation in any calendar year.

(ii) The term "assets" means all funds, including the employees' contributions and the employer's contributions and assets purchased therewith as well as accretions thereto, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this section, the right to demand and receive "all assets" credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such distribution; for example, bonds of Series E may not be reissued in unauthorized denominations, and fractional shares of stock are not readily distributable in kind.

(iii) The term "beneficiary" means the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the trust upon his death or the estate of the employee, and the term "distributee" means the employee or his beneficiary.

[2] No other investor is authorized to hold bonds in excess of the general limitation.

§ 316.11 *Purchase of bonds*—(a) *Over-the-counter for cash.* (1) For natural persons in their own right only (i) at such incorporated banks, trust companies, and other agencies as have been duly qualified as issuing agents; and (ii) at selected United States post offices; and (2) for all eligible purchasers, at Federal Reserve Banks and Branches and at the Treasury Department, Washington 25, D. C.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this document. Nothing contained herein abridges or restricts any existing rights acquired by owners of bonds of Series E under previous circulars.

(Sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10896; Filed, Dec. 31, 1957; 8:46 a. m.]

[1957 Dept. Circ. 905, Rev. Amdt. 1]

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

REGISTRATION

DECEMBER 23, 1957.

Section 332.8 of Department Circular No. 905, Revised, dated April 22, 1957 (31 CFR Part 332), is hereby amended effective January 1, 1958, to read as follows:

§ 332.8 *Registration*—(a) *General.* Generally, only residents (whether natural persons or others) of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to invest in bonds of Series H. Full information regarding eligibility to invest in savings bonds, and authorized forms of registration and rights thereunder, will be found in the regulations currently in force governing United States Savings Bonds.[1]

(b) *Individuals.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary form.

(c) *Others (only in single ownership form).* The bonds may also be registered as follows:

(1) *Fiduciaries.* In the names of any persons or organizations, public or private, as fiduciaries, except where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships and unincorporated associations, and states, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks, which are defined for this purpose as those accepting demand deposits.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this document. Nothing contained herein abridges or restricts any existing rights acquired by owners of bonds of Series H under previous circulars.

(Sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10897; Filed, Dec. 31, 1957; 8:46 a. m.]

[1] Part 315 of this subchapter (Department Circular No. 530).

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

MISCELLANEOUS AMENDMENTS

1. In § 12.4, paragraph (b) is amended to read as follows:

§ 12.4 *Disposition of effects and fund to designate; exceptions.* * * *

(b) When authorized by the Manager or his designated representative, the effects will be delivered or shipped to the designate. If shipped at Government expense, the shipment shall be made in the most economical manner but in no case at a cost in excess of $25. If such expenses will exceed $25, the excess amount shall be paid by the consignee, either to the Manager in advance or to the carrier if it accepts the shipment without full prepayment of charges. There will be no obligation on the Government, initially or otherwise, to pay such expenses in excess of $25.

2. In § 12.9, paragraphs (a) and (b) are amended to read as follows:

§ 12.9 *Rights of designate; sales instruction; transportation charges.* (a) Upon death of a veteran admitted as such to a field station, the Manager or his designated representative will cause notice (parts I and V of VA Form 10-1171) to be sent to the designate: *Provided, however,* That if the Manager or his designated represenative has information of the death of the primary designate, notice shall be sent to the alternate designate and all the provisions of the regulations in this part respecting the designate will be deemed to apply to the alternate. If the designate is a minor or a person known to be incompetent, delivery of the funds or effects will be made only to the designate's guardian or custodian upon qualification. The right of the designate to receive possession ceases when he refuses to accept delivery or if he fails to respond within 90 days after VA Form 10-1171 was mailed. When the right of a designate ceases, VA Form 10-1171 will be forwarded immediately to the alternate designate, whose rights then become identical with those forfeited by the first designate, and the rights of the alternate designate shall terminate at the expiration of 90 days after the VA Form 10-1171 was mailed to him. Delivery will not be made to a designate until he submits a signed statement to the effect that he understands that the delivery of such funds and effects constitutes a delivery of possession only and that such delivery is not intended to affect in any manner the title thereto. Such notice shall fully identify the decedent and state the fact that he designated the addressee to receive possession of such property; that the right to receive possession thereof does not affect the ownership but that the designate will be responsible for the ultimate disposition thereof to those who, under applicable law, are entitled to the decedant's property; and will request prompt advice as to whether the designate will accept such property and that, if he will, he furnish shipping instructions, upon receipt of which the property will be shipped at the expense of the Government. However, prior to dispatching such notice, it will be definitely determined that the shipping expense will not exceed $25. If such expense will exceed $25, the excess cost will be ascertained, and the notice will include a statement of the amount of such excess shipping cost with request that the amount thereof be remitted at the time shipping instructions are furnished. In estimating the shipping expense, it will be assumed that shipment to the designate will be to the same address as that to which the notice is sent. Each notice, however, shall contain a statement that in no event will the Government pay shipping expense in excess of $25. The notice will include a copy of the inventory of the property which it is proposed to deliver to the designate.

(b) Upon receipt of appropriate shipping instructions, the property will be shipped, transportation charges prepaid, by mail, express, or freight, as may be appropriate under the circumstances and most economical to the Government. The expense of such shipment, chargeable to the Government, in no case to exceed $25, is payable the same as other administrative expenses of the Veterans Administration.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 1901-1910, 1920-1928, 71 Stat. 145, 149; 38 U. S. C. 3901-3910, 3920-3928)

This regulation is effective January 1, 1958.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-10753; Filed, Dec. 31, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1570]

[Anchorage 029775 et al.]

[Fairbanks 013100 et al.]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES; REVOKING PUBLIC ORDER NO. 622 OF DECEMBER 15, 1949

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Secretary of the Interior for administration and maintenance as public recreation areas pending their conveyance or other disposal as authorized by the act of May 4, 1956, as amended by the act of August 30, 1957 (71 Stat. 510):

[Fairbanks 013100]

PAXSON LAKE AREA

A tract of unsurveyed land located on the south shore of an unnamed lake commonly known as "Seven Mile" Lake at approximate latitude 63°05'40" N., longitude 145°37'00" W., described as follows:

Beginning at a point on the south shore of the lake, thence

Westerly, 7.50 chains along the shore line of the lake;

South, 7.50 chains;

East, 7.50 chains;

North, 7.50 chains to the point of beginning.

The tract described contains 5 acres.

BIG DELTA AREA

A tract of land between Lost Lake and Quartz Lake, approximately 4 miles north of Big Delta, latitude 64°12' N., longitude 146°50' W., described as follows:

Beginning at a point on the east shore of Lost Lake from which the northeast corner section 26, T. 8 S., R. 9 E., Fairbanks Meridian bears west 1½ miles, thence

East, 24 chains to a point on the southwest shore of Quartz Lake;

Northwesterly, 24 chains along the southwest shore of said lake;

West, 20 chains;

South, 12 chains to a point on the north shore of Lost Lake;

Southeasterly, 12 chains along the shore of Lost Lake to point of beginning, which when surveyed will probably be Fairbanks Meridian,

T. 8 S., R. 10 E.,
Sec. 19, SW¼SE¼, E½SE¼SW¼ (fractional).
The tract described contains 45 acres.

[Fairbanks 013618]

FAIRBANKS MERIDIAN

RICHARDSON HILL CANYON AREA

T. 7 S., R. 6 E.,
Sec. 24, lots 5 and 11.
The areas described aggregate 15.35 acres.

SHAW CREEK AREA

T. 8 S., R. 9 E.,
Sec. 26, lot 11.
The area described contains 6.92 acres.

[Anchorage 029775]

SEWARD MERIDIAN

Parcel No. 1

T. 18 N., R. 1 E.,
Sec. 16, lot 3.
The area described contains 22.8 acres.

Parcel No. 2

T. 18 N., R. 1 E.,
Sec. 15, E½NE¼NE¼NW¼.
The area described contains 5 acres.

Parcel No. 3

T. 17 N., R. 1 E.,
Sec. 13, lot 1.
The area described contains 49.57 acres.

Parcel No. 4

T. 17 N., R. 4 W., partly unsurveyed,
Sec. 12, that part of the N½SE¼ described as follows:
Beginning at the ¼ corner common to sec. 7, T. 17 N., R. 3 W., and said sec. 12 thence,
West, 15 chains, approximately, to east shore of large unnamed lake;
Southwesterly, 21 chains, approximately, along east shore of lake;
East, 18 chains to west shore of small unnamed lake;
Northeasterly, 14 chains, approximately, along west shore of lake to west boundary sec. 7, T. 17 N., R. 3 W;
North, 8 chains to point of beginning.
The tract described contains approximately 40 acres.

[Anchorage 025274]

SEWARD MERIDIAN

T. 17 N., R. 3 W.,
Sec. 4, lot 7.
The tract described contains 30.47 acres.

[Fairbanks 012695]

U. S. Survey No. 3441,
Tract A, lots 9 and 9A.
The tracts described contain 2.86 acres.

Public Land Order No. 622 of December 15, 1949, which withdrew an area of 5.96 acres of public lands in Alaska (now identified as lot 11, sec. 24, T. 7 S., R. 6 E., F. M.) for use of the Alaska Road Commission as an administrative site, is hereby revoked.

The total area withdrawn by this order is 222.97 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 24, 1957.

[F. R. Doc. 57-10864; Filed, Dec. 31, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A22]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Cincinnati, Ohio, on June 25–26, 1957, pursuant to notice thereof issued on June 11, 1957 (22 F. R. 4237).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 27, 1957 (22 F. R. 9667) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Material issues of record relate to:

1. Revisions of the definitions of "pool plant", "producer", and "other source milk" and the addition of definitions for "fluid milk product" and "Chicago butter price".

2. Revision of the pricing provisions, including changes in the basic formula price, the supply-demand adjuster, the Class II price for milk used in cottage cheese and the incorporation of a provision for equivalent prices.

3. Extension of location differential credits to handlers on milk moved from country pool plants and on producer milk received at pool plants located outside of the marketing area.

4. Clarification of provisions applicable to partially regulated plants and provisions for dealing with a plant subject to another Federal order issued pursuant to the act.

5. Adoption of a quota plan for the payment to producers of the proceeds from the sale of their milk.

6. Redrafting and reissuance of complete order with provisions for the reporting and accounting for skim milk and butterfat, separately, including more specific accounting and allocation procedures for skim milk and a reduction in allowable skrinkage in Class III milk.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The definitions of "producer", "pool plant", "producer milk" and "other source milk" should be clarified and definitions for "fluid milk product" and "Chicago butter price" should be added.

The language of the present definition of a producer, among other things, refers to a person operating a dairy farm who produces milk under a dairy farm permit issued by an appropriate health authority. The phrase, "an appropriate health authority", has been applied to include persons who hold permits from a duly constituted health authority for the production of milk for fluid disposition, if such milk is permitted by the health authority having jurisdiction in the marketing area to be disposed of for fluid consumption in the marketing area. In the provisions of the order relating to the qualification of supply plants as pool plants, reference is made to plants which receive milk from dairy farmers. No reference is made to health authority approval.

Producers proposed that changes be made in the definitions of producer and the supply plant portion of the pool plant definition so as to require a dairy farmer to hold a dairy farm permit issued by a

health authority having jurisdiction in the marketing area. Producers contended that the present definition was susceptible to more than one interpretation and has resulted in the pooling of milk which is not closely associated with the market. Furthermore, it was argued that all producer milk must be produced under local health department permits to conform with the declared policy of the act of providing prices which will assure a sufficient quantity of pure and wholesome milk and be in the public interest.

The primary purpose of definitions of "producer" and "pool plant" is to provide the criteria for determining what milk and what plants are to be subject to regulation under the order. Reference is made to health authorities and approval of milk by them in the producer definition primarily for the purpose of distinguishing between dairy farmers who supply milk to pool plants which is eligible for fluid disposition in the marketing area and dairy farmers who may supply milk which is not eligible for fluid disposition in the marketing area.

The establishment and application of sanitary standards which milk must meet for fluid disposition in the different segments of the marketing area is the responsibility of the respective health authorities having jurisdiction in the several segments. It is not the function of the Federal order to provide, or in any way to enforce, sanitary standards for milk marketed for fluid disposition and which is regulated and priced under its provisions. It is the responsibility of the order to provide a method of pricing that milk which the consumers in a given area, through the authority granted to their duly constituted health authorities, consider to be pure and wholesome milk on the basis of the health requirements they have established. At the present time, the sanitary requirements of milk for disposition as fluid milk in the marketing area are the responsibility of the Boards of Health of the City of Cincinnati, the City of Norwood, and for Hamilton County, the State of Ohio. Each of these segments of the marketing area has adopted health ordinances patterned after the standard ordinance and code of the U. S. Public Service. These ordinances prescribe standards for the production and handling of milk and the requirements the milk must meet to be labeled as Grade A milk. All milk disposed of for fluid consumption to consumers in the marketing area is required to meet these Grade A standards.

It is the practice of some of the health authorities having jurisdiction in the marketing area to permit milk from other approved Grade A sources to be used for fluid disposition in the marketing area without inspecting individual farms or issuing permits to the individual dairy farmers. The actual farm inspections are conducted by the health authorities in the areas where the plants supplying such milk are located. If the plant supplying such milk meets the pool plant requirements of the order, it would be unreasonable to exclude such dairy farmers as producers under the order merely because their farms are not physically approved or permits issued by the health authority in the marketing area. Such dairy farmers are, in fact, subject to the same requirements to qualify as producers under the order as dairy farmers who produce milk under permits which are physically issued by a health authority having jurisdiction in the marketing area—they must produce inspected milk of a quality acceptable to the health authority in the marketing area and, at the same time, be associated with a pool plant. Only the mechanics by which approval is granted by the health authority in the marketing area are different.

To limit the definition of a producer to dairy farmers who hold permits issued by a health authority having jurisdiction in the marketing area, as proposed by producers, could result in an undue restriction on supplies of milk from dairy farmers delivering their milk to supply plants or fluid milk plants located outside the marketing area. It could prevent producers who are regularly and primarily associated with the market from participating in the marketwide pool.

Producers, in their exceptions, stated that failure to require producers to have permits issued by the health authority in the marketing area may result in the pooling of surplus milk from nearby markets. This problem would be confined primarily to plants located in the marketing area. Although this problem could be resolved by making provisions to exclude dairy farmers who are primarily associated with other markets, this approach to the problem was not discussed at the hearing. Provision should be made, therefore, under the particular conditions existing in this market, to require a dairy farmer delivering milk to a distributing plant located in the marketing area to have a farm permit issued by the health authority having jurisdiction in the marketing area to qualify as a producer under the order.

"Producer" should be defined, therefore, to include a dairy farmer who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition, which milk is received at a pool plant and is permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area. The definition should exclude a dairy farmer who may deliver milk directly to distributing plants located in the marketing area, if such dairy farmer does not hold a permit issued by the responsible health authority having jurisdiction in the marketing area.

That portion of the definition of a pool plant which applies to supply plants should be clarified in accordance with the recommended change in the definition of a producer.

A definition of "producer milk" is useful in drafting the order to refer to that milk which is to be priced and the proceeds from the sale of which is to be included in the marketwide pooling arrangement. The definition of producer milk should be clarified by specifying that it applies to only that skim milk and butterfat which is received at the pool plant directly from producers during the month or diverted from a pool plant to a nonpool plant under the same conditions as specified by the present order. Construction of other order provisions will be facilitated by incorporating the conditions relative to the point of receipt of diverted milk in this definition. The present definition is not intended to include milk received from producer-handlers. The order should be clarified in this respect by excluding a producer-handler under the definition of a producer.

A definition of "fluid milk product" should be incorporated in the order. This is a convenient term for use in constructing the order to refer to the skim milk and butterfat in the fluid form of milk, cream and other milk products as contrasted to manufactured dairy products. Storage cream, aerated cream, ice cream mixes, condensed and evaporated milk and other manufactured dairy products should be excluded from the category of a fluid milk product.

The definition of "other source milk" should be modified to incorporate references to the proposed new term of fluid milk product and to clarify its meaning. A precise and clear definition of other source milk is essential to facilitate the reporting, classification, allocation and compensatory payment provisions of the order. The present definition should be changed to facilitate the accounting for skim milk as recommended hereinafter (Issue 6). Other source milk should be defined so as to include all skim milk and butterfat in fluid milk products received from sources other than producers, other pool plants and from inventory of fluid milk products. Other source milk should include all skim milk and butterfat represented by (used to produce) all manufactured products which are used or reused in the plant during the month except Class II products which are received from other pool plants. The application of other order provisions will be simplified by excluding from other source milk Class II products received from other pool plants, and manufactured products which are disposed of or may be purchased or manufactured and carried in inventory but which are not used in the plant during the month. To include Class II products from other pool plants and inventories of Class III products in the receipt and utilization report would unnecessarily complicate the transfer and allocation procedures and could result in duplicating compensatory payment charges on transfers of such milk between pool plants.

All Class II products from nonpool plants and other manufactured products included in Class III milk, such as storage cream, evaporated or condensed milk, dry milk solids and the like, which are reprocessed, repackaged or in any way converted into another product during the month, should be accounted for as other source milk, the same as provided by the present definition. Although only products which are used during the month are to enter into the

classification and allocation procedure for the month, other provisions of the order require the handler to maintain such accounts and records of his operations as are necessary for the market administrator to ascertain the utilization of all skim milk and butterfat received at a pool plant during the month. It will be necessary, therefore, for handlers to keep records of stocks, production, receipts and disposition of such products in order for the market administrator to verify the reported use of such products during the month. The definition of other source milk proposed herein will not change the method of accounting that has been found necessary for butterfat in this market under the present order.

A definition for "Chicago butter price" should be added to the order. The addition of this definition will not change the intent of the present order but its application will facilitate the drafting of other order provisions.

2. The supply-demand adjuster should be revised to conform with the more even seasonal pattern of producer milk deliveries in the Cincinnati market and to include all Class I milk in the base and current-month Class I utilization percentages.

The seasonal pattern of producer milk deliveries to the Cincinnati market has changed since the base utilization percentages of the present supply-demand adjuster were adopted. A larger proportion of the annual supply of producer milk is being delivered during the fall and winter months and a smaller proportion during the spring and summer months.

Data on receipts and Class I sales are contained in the record of hearing through March of 1957. The use of data which have become available since that time will contribute to the determination of a more representative seasonal relationship between receipts and sales. For that reason, receipts and sales data for April through August 1957 also have been used in this analysis. The source of these data is the monthly releases of the market administrator for the Cincinnati, Ohio, milk marketing area for the period April through August 1957, entitled "Uniform Price Computation", of which official notice is hereby taken.

For the years 1954–55, the average monthly receipts of producer milk during the months of October through December (the months of lowest production in relation to Class I sales) were equal to 84 percent of the average monthly receipts of the two-year period, and for the months of May through July, 120 percent. During the October–December, 1956 period and the May–July, 1956 period, average monthly receipts constituted 93 and 116 percent, respectively, of average monthly receipts of the same two-year period. For the years 1955, 1956, and 1957 average monthly receipts for January and February were 72, 74, and 77 percent, of average monthly receipts for May through July. All of these comparisons are based on receipts and sales at plants which were in operation during the entire period since January 1954. Two plants which formerly had been included in the pool discontinued selling milk in the marketing area during 1956.

This changed seasonal pattern of production, in conjunction with a relatively stable seasonal pattern of Class I utilization has caused the supply-demand adjuster to increase Class I prices during some of the flush production months of the spring and summer and to reduce adjustments in the shorter production months of the fall and winter. This, of course, works counter to the fall incentive payment plan in encouraging a more even seasonal pattern of production and in bringing market supplies more in line with fluid milk requirements. This payment plan was made effective in the Cincinnati market, May 1, 1955. While it is not the purpose of the supply-demand adjuster to encourage a more even seasonal pattern of production, it should not work counter to such adjustments. Also, unless the supply-demand adjuster is "neutral" with respect to seasonal movements, its effectiveness in performing its primary functions of adjusting the Class I price in response to changes in the level of supply in relation to market requirements will be dampened. It is concluded, therefore, that the base utilization percentages should be revised to reflect the shift in the seasonality of producer milk receipts.

A proposal to increase the difference between the minimum and maximum base utilization percentages and lower the minimum percentages should not be adopted. Elimination of contraseasonal price adjustments should be dependent upon the seasonal variation of the base utilization percentages conforming to the seasonal variation of the Class I utilization percentages. Even though absolute negative adjustments may be eliminated by increasing the spread between the minimum and maximum percentages or by lowering the minimum relative to the maximum, supply-demand adjustments will be greater at some seasons of the year than at others, unless seasonality of the base percentages conforms to the normal seasonality of the Class I percentages. Except for the contraseasonal price adjustments, the supply-demand adjuster has not produced erratic or unwarranted adjustments. Therefore, to increase the spread between the minimum and maximum and lower the minimum would serve only to reduce the over-all effectiveness of the supply-demand adjuster in adjusting Class I prices promptly to promote the desired alignment between producer receipts and fluid milk requirements, particularly when receipts are high relative to fluid milk requirements.

The average level of the present base utilization percentages is at the proper level to reflect necessary adjustments in Class I prices in relation to the fluid milk requirements of the market. Prices established thereunder have brought forth an adequate supply of milk, not only for the Class I requirements of the market, but also for Class II milk. On the basis of market data adjusted to include only receipts and sales at those plants which were in the pool for the entire period September 1954–August 1955 and to reflect the present system of classification, producer receipts were in the following relationship to Class I sales during selected periods:

Period:	*Percent producer receipts are of Class I sales*
September 1954–August 1955	159
September 1955–August 1956	149
September 1955–August 1957	155
October–December 1954	127
October–December 1955	121
October–December 1956	134
August 1956	162
August 1957	159

The Class I utilization percentage should be revised to include all Class I milk. At the present time, milk used in fluid cream, Class I products in fluid form containing eight percent or more butterfat and unaccounted for milk in Class I, are not included in the Class I utilization percentage. Inclusion of this milk in the current utilization percentage would make a more representative sample of the fluid milk requirements of the market, thereby facilitating more accurate and appropriate Class I price adjustments under the supply-demand provisions. The use of total Class I milk also will simplify the determination of the current utilization percentage. The base utilization percentages should be adjusted therefore to reflect the inclusion of the additional milk in the Class I utilization percentage. In view of the above stated considerations, it is concluded that the following base utilization percentages should be adopted:

Month for which price is being computed	Base utilization percentage	
	Minimum	Maximum
January	67	69
February	66	68
March	66	68
April	67	69
May	63	65
June	60	62
July	53	55
August	49	51
September	48	50
October	51	53
November	58	60
December	63	65

These values take into account the existing seasonal pattern of production and the effect of including all Class I milk in the Class I utilization percentage. In view of the improvements made since installation of the Louisville Plan, they also allow for some further evening of the seasonal pattern of production. The proposed base utilization percentages are intended to result in approximately the same average annual Class I price adjustments as would be provided by the present order. The proposed schedule would have added to the pool value between 10 and 11 cents per hundredweight of producer milk classified in Class I milk during the 12-month period August 1956–July 1957. The amount added by the present schedule is in this same range.

Basic formula prices. The butter-nonfat dry milk solids formula used in the basic formula should be revised.

The Class I price is composed of the basic formula price and a fixed differential, which is adjusted by the supply-

demand adjuster. The basic formula is designed to reflect the value of milk used in manufacturing, thereby reflecting changes in fluid milk prices which conform to changes in manufacturing milk prices. The fixed differential is designed to reflect the additional incentive necessary to obtain the production and delivery of the fluid milk requirements of the market.

Under the present order, the basic formula price is the higher of the average price paid by a group of midwest condenseries or the price yielded by a formula designed to reflect the value of milk used in the manufacture of butter and nonfat dry milk. Dry skim milk produced by the spray process and the roller process, at present, receive equal weight in determining the formula value of skim milk. However, during recent years, the production of dry skim milk by the spray process has increased each year relative to production by the roller process and at the present time, makes up about 90 percent of total production.

Also, there has been a slight upward trend in the spread between the prices of the two types of nonfat dry milk. During the period 1949–1952, the average annual price of spray process exceeded the average annual price of roller process by 1.67 cents per pound, while during the period 1953–1956, the spray process was higher by an average of 2.11 cents per pound. The average increase in the price of spray relative to the price of roller has been accompanied by considerable variation from year to year. During the 1949–1952 period, the amount by which the price of spray exceeded the price of roller ranged from 1.43 cents per pound on an annual basis to 1.93 cents. During the 1953–1956 period, the range was from 1.79 to 2.66 cents.

It is concluded, therefore, that the average price of spray and roller process nonfat dry milk should be replaced by the price of spray process in the butter-dry milk element of the basic formula. The revised formula will yield prices which more nearly represent changes in the value of milk used to produce butter and dry milk solids.

However, as previously concluded under this issue, the present level of the Class I price is appropriate. Without some further confroming change, the proposed change in the butter-nonfat dry milk formula could have the immediate effect of increasing the level of Class I prices. Since the butter-nonfat dry milk formula is only one of the alternative elements of the basic formula, and since its primary function is to reflect changes in manufacturing milk prices rather than the absolute level, it is necessary to provide a conforming change in this formula. Although other methods could be used, it is concluded this change can be made most conveniently and appropriately by increasing the five and one-half cents which are deducted from the price of nonfat dry milk in the present formula to six and four-tenths cents.

Equivalent prices. Provision should be made for the use of an equivalent price, if, for any reason, a price quotation required by the order for computing class prices or for other purposes is not available. A particular price quotation required under the provisions of the order may be discontinued or not available in the manner or at the time described by the order. Should such contingencies materialize, equivalent pricing will permit the intent of the pricing provisions of the order to be carried out without interruption until the order can be amended.

No testimony was presented on a proposal contained in the notice of hearing for separate pricing of milk used to produce cottage cheese disposed of outside the marketing area. The proposal, therefore, is denied.

3. A schedule of location adjustments applicable to milk received at pool plants should be established in relation to the distance the plant is located from Cincinnati.

The present order provides for a location differential which is credited to handlers with respect to milk (a) received and utilized at a pool plant located more than 45 miles from the City Hall as any items of Class I and Class II milk or (b) which is moved from such pool plant to a pool plant located less than 45 miles from the City Hall in Cincinnati in the form of a fluid milk product or as condensed skim milk or frozen cream. In the case of such movements to pool plants, the differential allowed is limited to that portion of product moved which is allocated to Class I and Class II utilization in the transferee plant after first subtracting receipts of producer milk at such plant. Under the present provision, the credit on movements between plants may be allowed to the receiving plant to the extent that such credit does not exceed the obligation of the receiving handler to the producer-settlement fund for the month. Uniform prices to producers at pool plants so situated are adjusted by the same rate.

Under the present provision, Class I, Class II and uniform prices to producers at pool plants located at considerable distances from the marketing area would be the same as the corresponding prices at plants located just outside the 45-mile radius. On milk received from producers at distant pool plants, the handler assumes the cost of moving the milk from the plant to marketing area plants or in packaged form to retail and wholesale outlets in the marketing area. In contrast, the entire cost of moving milk from farms to plants located within the 45-mile radius is borne by producers.

Milk at farms or at plants has a progressively lower value to the market as such farms or plants are located farther from the market. The difference in value is related directly to the cost of transporting the milk from the respective locations to the market. It is economically sound and necessary to recognize such differences in value at pool plants to promote equality in cost of milk among pool plants and returns for milk among producers. This should be accomplished by a schedule of location adjustments applying at distant plants in accordance with their location with respect to the marketing area.

At the time of the hearing, three country pool plants supplied milk to the marketing area. These plants are all located within a 110 mile radius of Cincinnati. No evidence was presented which would indicate that the present location adjustment rate of 15 cents at each of these plants should be changed. Since a substantial portion of the cost of moving milk within this relatively short distance is not associated with the distance the milk is moved, it is reasonable to have the 15-cent rate apply to all plants located more than 45 miles but less than 110 miles from the City Hall in Cincinnati. For plants located greater distances from Cincinnati, the rate should be increased one and one-half cents for each additional 10 miles or portion thereof that the plant is located more than 110 miles from the City Hall. The rate of 1.5 cents for each additional 10 miles approximates the cost of moving milk such distances to the marketing area by efficient means and conforms closely to the rate applied under other Federal orders.

4. The provisions applicable to partially regulated plants and provisions for dealing with plants subject to another Federal order should be clarified.

The present order provides that a plant located outside the marketing area and which distributes milk inside the marketing area but in an amount less than 10 percent of the entire route distribution from such plant is a nonpool plant. The operators of such nonpool plants are required to make reports of their receipts and utilization to the market administrator each month and are subject to audit. On the Class I milk disposed of inside the marketing area, a compensatory payment is required to be made to the producer-settlement fund. The findings and conclusions issued at the time compensatory payments were incorporated in the order (19 F. R. 3475) stated that milk from plants which are subject to the pricing provisions of another order should be exempt from such payments. Provision for such exemption was made with respect to other source milk received at pool plants from plants regulated by another order but such exemption was inadvertently omitted in the case of nonpool plants which are subject to regulation under another order. In view of the stated intent, no payments have been enforced on milk disposed of in the marketing area by such plants.

Producers proposed that payments on milk distributed in the marketing area from plants subject to another order be required at the difference between the Class I price under the Cincinnati order and the Class I price under the order to which such milk is subject to regulation.

The minimum prices for Class I milk under other Fedral orders which would regulate any nonpool plants which might reasonably be expected to distribute milk in the Cincinnati marketing area are equal to or exceed the Cincinnati Class I price as adjusted by the Class I location differential applicable at pool plants of the same location. Handlers operating plants subject to such other Federal orders are required to pay the respective

order Class I prices for all milk disposed of on routes in the Cincinnati marketing area. They would not be in a position to purchase milk for such disposition, therefore, at a competitive advantage over Cincinnati pool plants. Furthermore, if for some reason, plants subject to other Federal orders have a competitive advantage over a period of time in the procurement of milk for sale in the Cincinnati marketing area, the problem fundamentally would be one of establishing the proper alignment in Class I prices between markets. No compensatory payments, therefore, should be required on milk distributed by nonpool plants in the Cincinnati marketing area which is classified and priced as Class I milk under another Federal milk marketing order.

Under the present pool plant definition of the Cincinnati order, plants at which the milk of dairy farmers is priced by another Federal order are excluded as pool plants. It is possible that a plant could be subject to another Federal order and exempt from regulation under the Cincinnati order even though a major portion of its Class I milk disposition may be made in the Cincinnati marketing area. It is reasonable and economically sound that a plant should be regulated under the order for the marketing area where the largest portion of the plant's Class I milk is disposed of. Such a determination should be made on the basis of sales over a period of time to reduce the possibility of subjecting plants to different orders from month to month under situations where nearly equal amounts of milk are supplied to the Cincinnati and other marketing areas. A reasonable basis for this determination is sales during the current and each of the immediately preceding three months. A new section, therefore, § 965.92 incorporating these conclusions should be added to the order. The proposed language will avoid jurisdictional questions which could result under the present language contained in this and in some other orders.

5. The quota plan for distributing to producers the proceeds from the sale of their milk should not be adopted at this time.

Producers proposed that a quota (base and excess) plan be adopted. Producers are presently paid on the basis of a fall incentive plan whereby a certain rate per hundredweight of producer milk is set aside from the marketwide pool value of milk during the flush production season and distributed to producers on the basis of their deliveries during the short production season. This plan, having been adopted May 1, 1955, has been in operation for only two years. It was the intention of proponents to have the quota plan work in conjunction with the fall incentive plan but not replace it. Both the fall incentive plan and the quota plan have the common objective of decreasing seasonal variation of producer milk receipts. Producers contended that the addition of a quota plan with each producer assigned a quota or base would be more effective in promoting more even production and would reduce the possibility of dairy farmers from other markets sharing in the marketwide pool by delivering their excess milk to pool plants during the flush production season. The revised definition of a producer as recommended herein should greatly reduce this latter possibility. As discussed under Issue No. 2, considerable progress has been made under the fall incentive plan in obtaining more even production in the relatively short period of time since it became effective. Additional time is needed before the final degree of effectiveness can be appraised and the need for additional means of evening the seasonal pattern of production determined. It is concluded, therefore, that producers' proposal should be denied at this time.

6. The entire order should be redrafted to provide for reporting and accounting for skim milk and butterfat, separately, to add more specificity in the provisions with respect to the reporting and accounting for milk and to incorporate a number of conforming and clarifying changes.

Most of the provisions of the present order with respect to reporting, classification and allocation are written in terms of milk and butterfat. Some provisions are written in terms of skim milk and butterfat. The present language fails to provide for explicit accounting for skim milk. These provisions should be redrafted and brought into conformance with good accounting practice and the procedures followed in orders generally by applying separate accounting for skim milk and butterfat.

Condensed skim milk, dry skim milk and other products from which some of the water contained in skim milk is removed are manufactured in pool plants. Some of these products are reused in the plant where produced or disposed of to other pool plants. Operators of other pool plants may purchase skim milk solids from outside sources. Such solids may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product should be accounted for as as amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk. Receipts of skim milk in concentrated form also should be accounted for in this manner. This method of accounting promotes uniformity in the cost of skim milk among handlers in accordance with its class usage and is necessary to effectuate the established principle of allocating current receipts of producer milk to the higher-priced utilizations to the fullest extent that current receipts from producers are available to supply such uses. This procedure has been followed in this market in order to carry out the intent of the present order and, in redrafting the order provisions, should be specified.

The present order provides for classifying shrinkage on butterfat as Class III milk up to 2.5 percent of the receipts of butterfat in producer milk. No maximum shrinkage allowance is provided on skim milk in producer milk.

The maximum amount of shrinkage on producer milk which may be accounted for in Class III milk should be reduced to 2.0 percent for both skim milk and butterfat. This is in accordance with the experience at most pool plants and is reasonable for this market. This figure and the practice of a maximum allowance on skim milk has been adopted under most other Federal orders.

The explicit accounting for skim milk and butterfat, separately, and the application of the skim milk equivalent basis of accounting for all concentrated skim milk products used during the month (other source milk) necessitates a revision in the method of allocating total plant shrinkage between producer milk and other source milk. Because skim milk and butterfat is accounted for in Class II and Class III milk products on a used to produce basis, shrinkage involved in manufacturing such products is included in the amount of skim milk and butterfat reported in such uses. Under this accounting system, the shrinkage experienced by handlers, therefore, is confined primarily to losses incurred in receiving bulk fluid milk and in processing milk for Class I disposition. To determine the respective amounts of shrinkage on producer milk and other source milk, therefore, total shrinkage should be prorated between receipts of producer milk and other source milk received in the form of a fluid milk product in bulk.

All other provisions of the order should be redrafted where necessary to incorporate conforming changes and make editorial changes for the purpose of clarification.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 27th day of December, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

AUTHORITY: §§ 965.0 to 965.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the City of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

milk all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

(a) A fluid milk plant located in the marketing area;

(b) A fluid milk plant located outside the marketing area and from which not less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10 (a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

Months Plant Is Pool Plant

Months milk is moved:	
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 965.9 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.10 *Producer.* "Producer" means a dairy farmer, other than a producer-handler, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant; or

(c) Either: (1) Diverted during any of the months of March through August from a pool plant to a nonpool plant for the account of a handler as defined in § 965.11 (a) (1); or (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11 (b), if such milk is from a dairy farmer whose milk previously has been received at a pool plant: *Provided,* That this definition shall not include any dairy farmer whose milk is delivered to a pool plant defined pursuant to § 965.7 (a) and who does not hold a permit issued by the health authority in the marketing area having the responsibility for farm approval.

§ 965.11 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted to a nonpool plant by the cooperative association during the month.

§ 965.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 965.10 (c): *Provided,* That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the nonpool plant to which the milk is diverted.

§ 965.13 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products received from other pool plants, and (3) inventory of fluid milk products at the beginning of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are reprocessed, repackaged, or converted to another product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

§ 965.15 *Fluid milk product.* "Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink, cream (sweet, cultured, sour, or whipped), eggnog, concentrated milk and any mixture of milk, skim milk or cream (except frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated or condensed milk).

§ 965.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 965.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necssary to enable him to administer its terms and provisions;

(c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by

the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Monthly reports of receipts and utilization.* On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer: (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

§ 965.31 *Other reports.* Each handler who operates a fluid milk plant, which is a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 965.32 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 965.30 (a) shall be classified by the market administrator, subject to the provisions of §§ 965.41 through 965.46.

§ 965.41 *Classes of utilization.* Subject to the conditions set forth in §§ 965.43 and 965.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in subparagraphs (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated product, and cottage cheese; and (2) ending inventories of fluid milk products; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

§ 965.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and other source milk received in the form of a fluid milk product in bulk.

§ 965.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46 (a) (1), (2), and (3) and the corresponding steps of (b): *Provided,* That if either or both plants have other source milk, the milk, skim milk or cream so transferred shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further,* That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant located in Campbell County or Kenton

County, Kentucky, from which a route(s) is operated, unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) The Class I utilization (as defined in § 965.41) at such nonpool plant is less than the skim milk and butterfat, respectively, transferred or diverted to such nonpool plant, in which case, such skim milk and butterfat shall be assigned to the highest-valued use classification available at such plant;

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(d) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant, except as provided in paragraphs (b) and (c) of this section, unless the conditions specified in subparagraphs (1) and (2) of paragraph (b) of this section are met and an equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to Class III milk to the extent available then in sequence to Class II milk and Class I milk.

§ 965.44 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

§ 965.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk, and Class III milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 965.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41 (c) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product which is subject to the Class I pricing provisions of another order issued pursuant to the act;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Subject to the provisions of § 965.52, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided,* That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	67	69
February	66	68
March	66	68
April	67	69
May	63	65
June	60	62
July	53	55
August	49	51
September	48	50
October	51	53
November	58	60
December	63	65

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in

paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51 (b) (2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50 (b) (2) and divide the result by 1000: *Provided,* That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

§ 965.53 *Location differential to handlers.* For that skim milk and butterfat in producer milk received at a pool plant located 45 miles or more by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 45 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant, the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	*Rate per hundredweight (cents)*
45 but less than 110	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant, the total skim milk and butterfat in producer milk physically received at such plant and (2) shall be allowed to the transferee handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

§ 965.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

COMPUTATION OF UNIFORM PRICE

§ 965.60 *Net obligation of each handler.* The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46 (a) (6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46 (a) (5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46 (a) (2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50 (b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided,* That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes operated within the marketing area, (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (other than butter). Such obligations shall be paid by such handler to the market administrator on or before the 17th day after the end of each month.

§ 965.62 *Correction of errors.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 965.63 *Computation of uniform prices.* For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund

pursuant to § 965.71 (b) on September 30 of such year;

(e) Add the sum of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay to each producer $1.00 per hundredweight of milk received from such producer during the month: *Provided,* That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61 and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts substracted pursuant to § 965.63 (c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63 (d); and

(c) The difference between the amount added pursuant to § 965.63 (f) and the amount resulting from the subtraction pursuant to § 965.63 (h) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22 (i) (1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.63 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

§ 965.74 *Butterfat differential to producers.* In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.75 *Location differentials to producers.* In computing the payment due each producer pursuant to § 965.73, the uniform price for milk which is received at a pool plant located 45 miles or more, by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from City Hall (miles):	*Rate per hundredweight (cents)*
45 but less than 110	15.0
For each additional 10 miles or fraction thereof, an additional	1.5

§ 965.76 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk received during the month.

§ 965.77 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market adminstrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this part, or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 965.91 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 965.92 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Cincinnati, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided,* That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

[F. R. Doc. 57-10889; Filed, Dec. 31, 1957; 8:50 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-65]

ACF INDUSTRIES, INC.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission, pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of the Netherlands, proposes to issue a facility export license to ACF Industries, Incorporated, 30 Church Street, New York, New York, authorizing the export of a 20,000 kilowatt tank-type materials testing and research reactor to the Reactor Centrum Nederland, The Hague, Netherlands, unless within 15 days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

Dated at Washington, D. C., this 24th day of December, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10862; Filed, Dec. 31, 1957; 8:45 a. m.]

[Docket No. 50-75]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to the National Advisory Committee for Aeronautics substantially in the form set forth in Annex "A" below unless on or before fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 24th day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX A

CONSTRUCTION PERMIT

The National Advisory Committee for Aeronautics, (hereinafter "NACA") on July 8, 1957, filed its application for a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct a nuclear reactor (hereinafter "the reactor"). Amendments to the application were filed on August 23, 1957, August 27, 1957 and December 3, 1957. The application also seeks license relating to special nuclear material. Reference to "the application" herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. NACA proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. NACA is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. NACA is technically qualified to design and construct the reactor.

E. The Commission is satisfied that it has information sufficient to provide reasonable assurance that a reactor of the type proposed can be constructed and operated and the special nuclear material received, possessed and used at the proposed location without undue risk to the health and safety of the public and that omitted information will be supplied.

F. The issuance of a construction permit to NACA and the receipt, possession and use of the special nuclear material in the manner proposed by NACA in the application in Docket 50–75 will not be inimical to the common defense and security or to the health and safety of the public.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses NACA as provided below:

A. Pursuant to the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to construct the reactor as a utilization facility.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive and possess for storage only up to 3000 grams of contained uranium 235.

This license shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is February 1, 1958. The latest date for completion of the reactor is August 1, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location at the NACA Lewis Flight Propulsion Laboratory in Cleveland, Ohio, specified in the application.

C. The facility authorized for construction is a homogeneous zero power research reactor as described in the application.

D. At such time as this construction permit is converted into a license to operate the facility such license will incorporate—as one of its conditions—a requirement that no experiment may be conducted either (1) where the loading, assuming that all poisons, voids, etc., were accidentally removed, would produce a reactor period shorter than ten milliseconds, or (2) where any material other than water or air is to be used as a reflector, unless a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experiment.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to NACA pursuant to section 104c. of the act which license shall expire twenty (20) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to NACA for use in connection with the facility 3000 grams of contained uranium 235.

Date of issuance:

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

ANNEX B

MEMORANDUM

Part I—Description of the facility—General. The facility for which an application for a construction permit was submitted by NACA is of the homogeneous type designed to operate at a maximum power of 10 watts. The purpose of this reactor facility is to perform critical experiments, to measure reactivity effects, to serve as a neutron source, and to serve as a training tool. Although this facility is referred to as a reactor, it should be considered a series of critical experiment facilities, each of which will be operated as a reactor.

Site. The reactor will be constructed at the Lewis Flight Propulsion Laboratory, which is situated at the southwest corner of Cleveland, Ohio, near the junction of Ohio Routes 17 and 237. Adjacent to the Laboratory on the east is Cleveland Hopkins Airport; to the north and west of the laboratory is a section of the Cleveland Metropolitan Park System; on the south is sparsely populated farmland.

The facility will be a completely self-contained unit to be located in a basement room near an existing nuclear research building (M&S Building), and will contain a ventilation system separate from the remainder of the laboratory. The reactor building will be a reinforced concrete underground structure consisting of a reactor room (20 feet x 32 feet x 20 feet), a solution room (15 feet x 21 feet x 10 feet), a personnel decontamination and locker room, and a corridor. Adjoining space in the basement of the existing M&S building will be utilized for a control room. The entire floor of the reactor room will be covered by a 6-inch deep stainless steep pan. The walls of the reactor room will be lined with a removable plastic material to prevent contamination of the concrete.

The reactor room will be isolated from the rest of the building by a gas-tight door. Operating personnel will be protected by a 54-inch thick concrete wall between the reactor room and the solution room. Shielding of the reactor room doorway from scattered radiation will be accomplished by a concrete block labyrinth. Provisions are being made for an additional 48-inch thick concrete shield door should the labyrinth type shield prove insufficient. Administrative procedures require that all personnel be out of the reactor room before start-up of the reactor. A by-pass interlock will be provided which prevents filling of the reactor if the gas-tight door which isolates the reactor room from the rest of the building is not closed. A six-inch-thick concrete floor, one-foot-thick reinforced concrete walls and roof, and a minimum of six feet of tamped earth cover will shield persons outside of the building from radiation.

Reactor. The reactor will be of the homogeneous type designed to operate at a maximum power of 10 watts. The average thermal flux will be about 10^8 neutrons/cm^2-sec. in the core at an average power level of 1/10 watt. A platform 9 feet in height will support the reactor and associated equipment approximately midway between floor and ceiling of the reactor room. Due to the low power level, no cooling will be necessary other than that associated with natural air, water and aqueous fuel convection in the shield, reflector and core, respectively. The fuel is to be highly enriched uranyl fluoride (UO_2F_2) in deionized light water. The water serves as moderator. Criticality experiments will be performed for cylindrical homogeneous assemblies of UO_2F_2–H_2O solutions for a range of core diameter, core length, diameter ratio, and fuel concentration. The cores will be bare, partially reflected, or fully reflected by water or air. The reflector section will be composed of a concentric cylinder placed around the core cylinder. There will be one pipe line which will permit filling or emptying of the reflector section.

The initial set of experiments will be performed with an unreflected reactor 29.5 inches in diameter of hydrogen to uranium ratio of 500, and length to diameter ratio of 2. It is planned to operate the reactor with the core open to the reactor room atmosphere, without any recombiner since it was estimated that the amount of H_2 and O_2 formed radiolytically will be only about 150 cc per hour with the reactor operating at 10 watts. After 10 hours of continuous operation, the percent hydrogen formed will be substantially below the H_2—air flammability limit in the reactor room. It has been estimated by the applicant that 5 curies of total fission products will be produced in 100 minutes of operation at 10 watts following a 50-minute shutdown. The volatile portion of the fission products will be exhausted along with the radiolytic gases by the ventilation system. The ventilation system operates only when the reactor is shut down, and uses a 1,000 cubic feet per minute blower which provides approximately 4 air changes per hour. The air in the reactor room will be monitored before releasing it to the outside atmosphere through an exhaust stack. A maximum allowable leakage rate from the room of ½ percent per day for an overpressure of 1.4 psi will be maintained at all times.

During normal operation the reactor will be controlled by the quantity of fuel solution in the reactor vessel. One control rod will be installed which will act as a safety rod only, and will not be used for regulation. The

size and shape of the safety rod blades will depend on the size of the reactor. A check will be made of each blade while the reactor is still in the multiplication level to determine its approximate worth. In addition to the safety rod, which is expected to control about 2 percent delta k, provisions have been made to dump the reactor core solution into storage tanks with "safe geometry" if an unsafe condition should occur. The average temperature coefficient of reactivity for this reactor is calculated to be minus 2.6 x 10^{-4} delta k/°C. Reactors of this type are also known to possess large negative radiolytic gas coefficients of reactivity.

The reactor core vessel will be 2S aluminum, with an inner lining of polyethelene to minimize contamination of the fuel solution. All piping coming into contact with the fuel solution will be polyethelene and the pumps will have teflon bellows. All pumps and valves will be of the packless type to minimize leaks. The fuel pump will be capable of pumping fuel into or out of the reactor at a maximum rate of 4 liters per minute through a small line (no larger than ½ inch in diameter). A quick acting dump valve (not less than 1 inch in diameter) connecting the reactor and dump tanks will provide a rapid dump of the core solution in the case of a scram. For the initial set of experiments (L/D=2, H/U=500), the sensitivity of the critical unreflected assembly to changes in core height is about 3 cents per millimeter. The sensitivity of the corresponding water reflected critical assembly, (L/D=0.95, H/U=500), with core diameter equal to 29.5 inches, is about 8.5 cents per millimeter. The height of the fuel solution in the core will be measured remotely by two independently operated micrometer screws. A pointer will be fastened to the end of the micrometer screw and contact with the surface of the fuel will complete an electrical circuit giving indication on an ohmmeter. The fuel pumping rate is to be selected by the operator and will be continuously variable up to the maximum pumping rate. The pump shall be designed to operate at flows as low as 60 milliliters per minute so that the operator may easily control the fuel solution in the reactor vessel to within two millimeters. At the maximum pumping of 4 liters per minute, it would take 48 seconds for the unreflected critical core, and 20 seconds for the water reflected critical core to reach prompt critical. Normal operating conditions will never intentionally involve quantities of excess reactivity greater than approximately 0.2 percent above delayed critical.

Uranium concentration in the fuel solution will be controlled by the addition of deionized water for dilution and by vacuum evaporation for concentration. Both of these operations are carried out in the solution room. The evaporator will be stainless steel and is sized for safe geometry.

Shielding will be installed so that no person will receive a dose in excess of 1 millirem per hour when the reactor is operating at maximum power (10 watts). Initially, no local gamma shielding around the core will be installed. Initial experiments with the reactor will be criticality experiments, and as such, will run at powers considerably less than the design 10 watt level. Local gamma shielding, consisting of concrete or lead bricks, will be built around any of the equipment, if necessary, to reduce the gamma activity to values in conformity with the Commission's regulation, 10 CFR, "Standards for Protection Against Radiation", when increased power experiments are made.

Instrumentation for the facility will include two BF_3 chambers, one compensated BF_3 ion chamber, and two counter chambers. Scrams will be activated by periods less than 7 seconds and power levels greater than 15 watts.

Fuel temperature in the reactor vessel and storage tank, reflector temperature, and room temperature will be monitored during operation. Dosimeters will be placed throughout the critical facility area to determine maximum level and doses.

Part II—Safety evaluation. For the proposed experiments to be conducted, no unusual precautions appear necessary with regard to earthquake, storm or flood. Failure of the electrical system will automatically scram the reactor. No radiation hazards are expected to result from normal operation.

The following are inherent safety features connected with this reactor:

1. A large, fast-acting, negative temperature coefficient of reactivity.
2. A large negative radiolytic gas coefficient of reactivity.
3. Relatively slow rates of reactivity insertion possible.
4. Small values of excess reactivity are available.
5. The nuclear parameters are fairly well known.

The fuel is to be homogeneously mixed with the moderator, hence the temperature coefficient will be fast acting due to the lack of heat transfer impedances. Experimental data from other solution type reactors have shown that the radiolytic gas coefficient is an extremely effective shutdown mechanism for reactivity increases in the range of from 0.4 percent to 4.0 percent excess reactivity. The hydrogen gas formed during normal operation or during the 15,000 kilowatt-seconds excursion (to be described below), when mixed with the atmosphere of the room, will be considerably below the flammability limit for H_2 air mixtures and hence operation without a recombiner is considered acceptable. The fission product gases liberated into the reactor room will be contained within the room during reactor operation and released through a stack after being monitored following shutdown. The normal reactor room leakage rate of ½ percent per day for 1.4 psi overpressure is not expected to be exceeded under any conditions. Periodic checks of the leakage rate will be made to insure that the above value is never exceeded.

An analysis has been made of the various parameters which may be varied in the NACA Zero Power facility; they are:

1. Moderator-to-fuel ratio.
2. Core length-diameter ratio.
3. Operation with or without reflector.

Each time one of the above parameters is varied, a strict startup procedure will be followed in which inverse count rate will be plotted against height of fuel solution. In this manner, the reactor operator will be able to determine the critical height by extrapolation of the sub-critical multiplication data. This procedure is well proven and provides a safe means of attaining criticality. There is also a large amount of criticality data for the UO_2F_2–H_2O system reported in the literature which may serve as a guide during the criticality experiments.

The maximum accident is considered to be a step input of reactivity which would put the reactor on a 5 millisecond period. The occurrence of this accident appears highly unlikely since it involves the step insertion of about 3 percent excess reactivity which appears to be far more than will ever be available. The results of this highly unlikely accident, however, were calculated by the applicant to be an energy release of about 15,000 kilowatt-seconds, a peak pressure rise in the core of about 50 psi and a room overpressure of 1.4 psi. These calculated results appear reasonable for a 3 percent step in this type of system. The chief mechanical effect which would result from this pressure rise in the core would probably be the expulsion of fluid from the core, and this would, in fact, limit the maximum core pressure to less than the 50 psi theoretical maximum for the open tank. Such fuel expulsion would be the ultimate shutdown mechanism. A gravity drain connects the spill pan with a "safe geometry" dump tank. It is not expected that any breaching of the reactor room will result from this incident, and hence, the gas leakage rate from the reactor room will be unaffected.

In evaluating the radiological hazards resulting from this accident, it was assumed that 50 percent of the total fission products generated are airborne and uniformly mixed in the reactor room atmosphere. It was assumed further, that 50 percent of the airborne fission products instantaneously leak to the outside in the form of a point source at ground level. Since the reactor room is not breached and the majority of the reactor room penetrations are into the solution room, these leakage assumptions appear to be conservative. Based on unfavorable weather conditions and the above-mentioned conservative leakage rates, the radiation doses were determined at the nearest residence (900 feet from the reactor). The maximum dosage would be due to inhalation and would be 57 millirems (integrated over the first 24 hours) which is within the limits permissible under such circumstances by the Commission's regulation, 10 CFR Part 20.

Accordingly, based on information contained in the application it is concluded that there is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public. Before consideration can be given to issuance of an operating license for the facility, however, it will be necessary for the applicant to submit a nuclear safety and operating manual for the facility.

The evaluation made at this time pertains only to experiments where (1) the loading, assuming that all poisons, voids, etc., were accidently removed, would not produce a reactor period shorter than five milliseconds and (2) no material other than water or air is used as a reflector. In the event that other experiments are contemplated, a complete hazard review of such experiments must be made before operating approval could be given.

Part III—Technical qualifications. The NACA is the Federal Government's independent aeronautical research agency. Established in 1915, it now operates five research facilities including the Lewis Flight Propulsion Laboratory at Cleveland, Ohio, which will have direct administrative and technical supervision over the proposed facility. The AEC and NACA have been cooperating under an agreement executed in 1952 pertaining to research, patents and access to restricted data. On the basis of information presented by the applicant it is concluded that the applicant is technically qualified to design and construct the proposed reactor.

Part IV—Financial qualifications. The proposed facility will be constructed as a subproject under the "component research facility for nuclear propulsion", which was authorized by Public Law 44—84th Congress. NACA's current estimate of the cost of construction of the proposed facility is $165,000. Money for the construction of the facility was appropriated by Public Law 112—84th Congress. Inasmuch as Congress authorized the construction of the facility and has appropriated these funds covering the currently estimated cost of construction, it is concluded that NACA is financially qualified to engage in the proposed activities.

Part V—Financial protection. The applicant has not furnished the proof of financial protection, required of each applicant for license under Part 50, in accordance with § 140.2 of the Commission's regulation, "Financial Protection Requirements and Indemnity Agreements" (10 CFR Part 140). Before consideration can be given to issuance of an operating license for the facility, it will

be necessary for the applicant to comply with the provisions of that regulation.

Part VI—Fuel allocation. NACA has estimated that it will require an allocation of 3 kilograms of uranium-235. This estimated requirement appears reasonable and the material may be allocated to NACA within the 50,000 kilograms made available by the President for such distribution.

Date: December 24, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-10863; Filed, Dec. 31, 1957; 8:45 a. m.]

[Docket No. 50-83]

UNIVERSITY OF FLORIDA

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no requests for formal hearing having been filed following filing of the notice of proposed action with the Federal Register Division the Atomic Energy Commission on December 23, 1957, issued Construction Permit No. CPRR-21 to University of Florida authorizing construction of a research reactor at Gainesville, Florida.

Notice of proposed issuance of this permit was published in the FEDERAL REGISTER on December 5, 1957, 22 F. R. 9732.

Dated at Washington, D. C., this 23d day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10860; Filed, Dec. 31, 1957; 8:45 a. m.]

[Docket No. 50-86]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission, pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with Venezuela, proposes to issue a facility export license to General Electric Company, 150 East 42d Street, New York 17, New York, authorizing the export of a 3,000 kilowatt pool-type nuclear reactor to the Instituto Venezolano de Neurologia e Investigaciones Cerebrales, Caracas, Venezuela, unless within 15 days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

Dated at Washington, D. C., this 24th day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10861; Filed, Dec. 31, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2826]

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR PROFESSIONAL SERVICES

DECEMBER 24, 1957.

SECTION 1. *Delegation.* The Administrator, Southwestern Power Administration is authorized to exercise the authority delegated by the Administrator of General Services (22 F. R. 8427) to the Secretary of the Interior, for the period ending November 1, 1958, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), contracts for professional engineering services for topography, alignment, and land ties for the line and terminal facilities in connection with the administration of the construction program of the Southwestern Power Administration at Table Rock Dam, State of Missouri.

SEC. 2. *Exercise of authority.* The authority granted in section 1 of this order may not be redelegated and shall be subject to all provisions of Title III of the Act with respect to negotiated contracts, and to all other provisions of law.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-10903; Filed, Dec. 31, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

STUART M. JONES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 27, 1956, 21 F. R. 10346; July 6, 1957, 22 F. R. 4768.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of December 19, 1957.

Dated: December 19, 1957.

STUART M. JONES.

[F. R. Doc. 57-10890; Filed, Dec. 31, 1957; 8:50 a. m.]

JOHN ROBERT JONES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240; December 20, 1956, 21 F. R. 10259; July 6, 1957, 22 F. R. 4768.

A. Deletions: None.
B. Additions: Briggs & Stratton, Johnson Service Co., Chemical Fund.

This statement is made as of December 14, 1957.

Dated: December 14, 1957.

JOHN ROBERT JONES.

[F. R. Doc. 57-10891; Filed, Dec. 31, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8641]

FLYING TIGER LINE, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of The Flying Tiger Line, Inc., enforcement proceeding.

Notice is given herewith, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding previously assigned to be held on December 30, 1957, before Examiner Richard A. Walsh is hereby postponed indefinitely.

Dated at Washington, D. C., December 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10908; Filed, Dec. 31, 1957; 8:48 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN POSITIONS IN OPERATIONS RESEARCH SERIES, GS-015-0, IN THE CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay for positions in Operations Research Series

GS–015–0 to the top step of grades GS–11 through GS–17.

The new rates of compensation are as follows:

GS–11	$7,465	GS–15	$12,690
GS–12	8,645	GS–16	13,760
GS–13	10,065	GS–17	14,835
GS–14	11,395		

The increases are effective as of the first day of the first pay period which begins after December 20, 1957, and apply throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–10898; Filed, Dec. 31, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–14062]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

The Texas Company (Respondent), on November 29, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 169.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

The proposed change is a favored-nations increase based upon a spiral escalation increase of another seller. In support of the increase, Respondent states that the contract was negotiated by arm's-length bargaining. Respondent also states that costs of producing natural gas are increasing and gives some examples of such increasing costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10865; Filed, Dec. 31, 1957; 8:46 a. m.]

[Docket No. G–14068]

MAGNOLIA PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

Magnolia Petroleum Company (Operator), et al. (Respondent), on November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 10 to Magnolia's FPC Gas Rate Schedule No. 41.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that the installment price schedule for the long term of the contract resulted from arm's-length bargaining, and cites increasing costs of exploration, production, and processing of natural gas which it asserts require additional revenue.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10866; Filed, Dec. 31, 1957; 8:46 a. m.]

[Docket No. G–14069]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

Texas Gulf Producing Company (Respondent), on November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Texas Gulf's FPC Gas Rate Schedule No. 22.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Texas Gulf states that the prices to be paid under the contract were an integral part of the whole consideration resulting from arms-length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest

and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither, the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10867; Filed, Dec. 31, 1957; 8:46 a. m.]

[Docket No. G-14070]

LE CUNO OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

Le Cuno Oil Corporation (Le Cuno), on November 26 and December 6, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Notice of change, dated November 22, 1957. (2) Notice of correction, dated December 2, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 8 and Supplement No. 1 to Supplement No. 8 to Le Cuno's FPC Gas Rate Schedule No. 1.

Effective date: January 6, 1958. (Effective date is the first day after expiration of the required 30 days' notice.)

In support of the proposed "favored nation" increased rate, Le Cuno states that its contract was negotiated in good faith prior to the Commission's assuming jurisdiction of natural gas producers and that the pricing provisions were an inducement to enter upon the long-term contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until June 6, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10868; Filed, Dec. 31, 1957; 8:46 a. m.]

[Docket No. G-14071]

J. E. MARSHALL ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

December 24, 1957.

J. E. Marshall, et al. (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.

Purchaser: Hassie Hunt Trust.

Rate schedule designation: Supplement No. 5 to Marshall's FPC Gas Rate Schedule No. 1.

Effective date: December 30, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Respondent cites the contract provisions. Respondent previously filed a lesser increase in rate, designated Supplement No. 4 to his FPC Gas Rate Schedule No. 1, which was suspended in Docket No. G-9722, but has not become effective, no motion therefor having been filed. Respondent requested that the proposed increased rate become effective as of November 1, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10869; Filed, Dec. 31, 1957; 8:46 a. m.]

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[1] Presently effective rate was suspended and has been made effective subject to refund in Docket No. G-11339.

[Docket No. G-14072]

STANDARD OIL CO. OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

Standard Oil Company of Texas (Standard Oil), on November 25, and November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter of agreement dated July 24, 1957. (2) Letter of agreement dated August 21, 1957. (3) Notice of change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplements Nos. 7, 8 and 9 to Standard Oil's FPC Gas Rate Schedule No. 2.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Standard Oil.)

In support of the proposed periodic rate increase, Standard Oil cites the contract provisions and asserts that the increase is not a rate change but part of the rate for the life of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements Nos. 7, 8 and 9 to Standard Oil's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10870; Filed, Dec. 31, 1957; 8:46 a. m.]

[Docket No. G-14074]

EDWIN L. COX

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 24, 1957.

Edwin L. Cox (Cox), on November 29, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: (1) Supplement No. 4 to Cox's FPC Gas Rate Schedule No. 13. (2) Supplement No. 3 to Cox's FPC Gas Rate Schedule No. 17.

Effective date: January 23, 1958. (Effective date is the effective date proposed by Cox.)

In support of the proposed periodic rate increase, Cox cites the contract provisions and asserts that the graduated pricing is economically desirable to all parties and in the public interest.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 23, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10871; Filed, Dec. 31, 1957; 8:47 a. m.]

[Docket No. G-14079]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 24, 1957.

Cities Service Oil Company (Respondent) on November 27, 1957, and November 29, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of change dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designations: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 19. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 20. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 21. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 22. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 23. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 24. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 28.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of its proposed increases, Respondent states that the increased rates are provided for in contracts entered into as a result of arm's-length bargaining and that the increased rates are conservative being lower than the market value of equivalent supplies.

It appears that the proposed increases result from the operation of escalation provisions in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be sus-

pended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rates would have been effective under the appropriate rate schedules.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10872; Filed, Dec. 31, 1957; 8:47 a. m.]

[Docket No. G-14080]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATE

DECEMBER 24, 1957.

Shell Oil Company (Respondent), on November 25, 1957, and November 29, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 33. Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 41.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed rate increases, Respondent states that the increases are provided for in contracts entered into as a result of arm's length bargaining and that they constitute the first increase accruing to Respondent in five years, during which period Respondent's costs have increased.

It appears that the proposed increases result from the operation of escalation provisions in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10873; Filed, Dec. 31, 1957; 8:47 a. m.]

[Docket No. G-14087]

PEERLESS OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 24, 1957.

Peerless Oil & Gas Company (Respondent) on November 25, 1957 and December 2, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of change, dated November 18, 1957. (2) Notice of change, dated November 20, 1957. (3) Notice of change, dated November 26, 1957. (4) Notice of change, dated November 26, 1957. (5) Notice of change, dated November 26, 1957. (6) Notice of change, dated November 27, 1957. (7) Notice of change, dated November 27, 1957. (8) Notice of change, dated November 27, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: (1) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 4. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 6. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 7. (5) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 18. (6) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 8. (7) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11. (8) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 13.

Effective date: (1) and (2)—January 1, 1958. (Effective date is the effective date proposed by Respondent.) (3) through (8)—January 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed price increases, Respondent states that the increased rates are provided for in the contracts.

It appears that the proposed increases result from the operation of escalation provisions in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the dates upon which the proposed increased rates would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rates would have been effective under the appropiate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, the supplements designated as items (1) and (2) in the first paragraph hereof are hereby suspended and the use thereof deferred until June 1, 1958, and the supplements designated as items (3) through (8) are hereby suspended and the use thereof deferred until June 2, 1958, or until such date that is five months after the date the proposed rate set forth in each of said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10874; Filed, Dec. 31, 1957; 8:47 a. m.]

[Docket No. G-14104]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

Cities Service Oil Company (Operator), (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 105.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that it is based upon the contract provisions and it would be unfair to deny such contractual increase after it has delivered natural gas during the earlier period at a lower rate. Respondent also states that the proposed rate is less than the going price in the area and less than the present market value of natural gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commissions rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10875; Filed, Dec. 31, 1957; 8:47 a. m.]

[Docket No. G-14005]

R. OLSEN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

R. Olsen (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4.
Effective date: January 2, 1958, or date increase becomes effective under rate schedule, if later. (Effective date is the date proposed by Respondent, or the date the increase becomes effective under the terms of the contract, whichever is later.)

In support of the proposed periodic rate increase, Respondent states that it is based upon the terms of the gas sales contract and increased costs.

Respondent has not furnished sufficient information to establish the date upon which the terms of the basic contract providing for such increase become operative.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the aforesaid Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the buyer or otherwise, of the date the proposed increased rate would have been effective under Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4.

(C) Pending such hearing and decision thereon, said Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4 be and it hereby is suspended and the use therof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, or the date the increase becomes effective under the rate schedule, if later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8

and 1.37 (f) of the Commission's rules of practice and procedure.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10876; Filed, Dec. 31, 1957; 8:48 a. m.]

[Docket No. G-14009]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

Phillips Petroleum Company (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 252.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cites the provisions of the contract agreed upon by arm's-length bargaining, and states that periodic price increases are a necessity to the gas industry, that the proposed increase is not sufficient to offset costs fairly apportioned to business, and is just and reasonable and fully supported.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10877; Filed, Dec. 31, 1957; 8:48 a. m.]

[Docket No. G-14013]

WESTERN NATURAL GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATE

DECEMBER 24, 1957.

Western Natural Gas Company (Respondent), on November 29, 1957 tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that the increased rates were agreed to by both parties after arm's-length bargaining in good faith, and alleges increased costs and general economic desirability of the proposal.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10878; Filed, Dec. 31, 1957; 8:48 a. m.]

[Docket No. G-14019]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 24, 1957.

Magnolia Petroleum Company (Respondent), on November 27, 1957, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Lone Star Gas Company.

Rate schedule designations: (1) Supplement No. 2 to Magnolia Petroleum Company FPC Gas Rate Schedule No. 8. (2) Supplement No. 2 to Magnolia Petroleum Company FPC Gas Rate Schedule No. 79. (3) Supplement No. 2 to Magnolia Petroleum Company FPC Gas Rate Schedule No. 130. (4) Supplement No. 2 to Magnolia Petroleum Company FPC Gas Rate Schedule No. 77.

Effective date: January 1, 1958. (Effective dates are the effective dates proposed by Respondent.)

In support of the proposed increased rates, Respondent states that the periodic rate adjustments are called for by contractual provisions with Lone Star negotiated at arm's length and in good faith to provide a fair rate of return. Further, Respondent alleges that the increased rates do not exceed the current market price in the field, and that such rates reflect increased production costs. Suffice to say, such statements relating to arm's length bargaining and field value do not, per se, demonstrate the lawfulness of the increased rates. Union Oil Company, 16 F. P. C. 100.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable,

unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the aforesaid supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10879; Filed, Dec. 31, 1957; 8.48 a. m.]

[Docket No. G-14020]

ANDERSON-PRICHARD OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER, 24, 1957.

Anderson-Prichard Oil Corporation (Respondent), on November 25, and 29, 1957, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change, dated November 22, 1957. Notice of change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Anderson-Prichard Oil Corporation FPC Gas Rate Schedule No. 15. Supplement No. 1 to Anderson-Prichard Oil Corporation FPC Gas Rate Schedule No. 74.
Effective date: January 1, 1958. (Effective dates are the effective dates proposed by Respondent.)

In support of the proposed increased rates, Respondent states that the periodic rate adjustments are the result of contractual provisions with Lone Star Gas Company negotiated at arm's length, that such provisions afford Respondent protection against increases in operating costs, and that denial of such increases would deprive Respondent of its right to a just and reasonable return. Such general conclusionary statements alone are insufficient to demonstrate, per se, the lawfulness of the increased rates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the aforesaid supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10880; Filed, Dec. 31, 1957; 8:48 a. m.]

[Docket No. G-14028]

BRITISH-AMERICAN OIL PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

The British-American Oil Producing Company (Respondent), on November 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 22, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 14.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed rate increase, Respondent states that it is pursuant to a basic contract resulting from arm's-length negotiations, and is needed to meet increased costs of production.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10881; Filed, Dec. 31, 1957; 8:49 a. m.]

[Docket No. G-14038]

MAGNOLIA PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

Magnolia Petroleum Company (Operator), et al. (Respondent), on November 27, 1957, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: (1) Supplement No. 1 to Magnolia Petroleum Company (Operator), et al., FPC Gas Rate Schedule No. 12. (2) Supplement No. 3 to Magnolia Petroleum Company (Operator), et al., FPC Gas Rate Schedule No. 14. (3) Supplement No. 1 to Magnolia Petroleum Company (Operator), et al., FPC Gas Rate Schedule No. 118.
Effective date: January 1, 1958. (Effective dates are the effective dates proposed by Respondent.)

In support of the proposed increased rates, Respondent states that the periodic rate adjustments are called for by contractual provisions with Lone Star negotiated at arm's length and in good faith to provide a fair rate of return. Moreover, Respondent alleges that the increased rates do not exceed the current market price in the field and that such rates reflect increased production costs. Arm's-length bargaining and field value alone do not suffice, per se, to demonstrate the lawfulness of the increased rates. Union Oil Company, 16 F. P. C. 100.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the aforesaid supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10882; Filed, Dec. 31, 1957; 8:49 a. m.]

[Docket No. G-14050]

PURE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

The Pure Oil Company (Respondent), on November 25, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Magnolia Petroleum Company.
Rate schedule designation: Supplement No. 29 to Respondent's FPC Gas Rate Schedule No. 11.
Effective date: December 26, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

The proposed change in rate is a revenue sharing increase based on a favored-nation increase filed by the purchaser. The contract between the parties provides that Respondent shall receive from the purchaser a price per Mcf equal to that received by the latter from its pipeline purchaser less 1.0 cent per Mcf and a 4.5 cents per Mcf compression charge where applicable. The purchaser is presently collecting its favored-nation increase, subject to refund if so ordered in the proceeding in Docket No. G-12201. In support of its proposed increase, Respondent merely cites the contract provisions and the fact that the purchaser has proposed an increase in its rates.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 27, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10883; Filed, Dec. 31, 1957; 8:49 a. m.]

[Docket No. G-14053]

J. R. GOFF

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

J. R. Goff, Trustee (Respondent), on November 29, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that the provisions of the contract for increased rates resulted from arm's-length bargaining in good faith to allow for varying economic conditions. Respondent

also contends that the proposed rate will not exceed the rate in contracts of other sellers in the area, and its disallowance would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rule of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10884; Filed, Dec. 31, 1957; 8:49 a. m.]

[Docket No. G-14064]

EASON OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 24, 1957.

Eason Oil Company, et al. (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 3 to Eason's FPC Gas Rate Schedule No. 4.
Effective date: December 26, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Respondent states that the contract pricing provision is necessary to protect it against increasing costs and asserts that the increase is necessary to assure an adequate return on its investment. Respondent, additionally, requests that the proposed increase become effective on December 23, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10885; Filed, Dec. 31, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2364]

RED ROCK OIL & GAS CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

I. Red Rock Oil & Gas Company, a Nevada corporation, filed with the Commission on December 28, 1956 a notification and offering circular relative to a proposed offering of 27,330 shares at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the issuer, particularly in that:

1. Issuer has failed to file on Form 2-A a report of sales as required by Rule 260 of Regulation A, despite requests by the Commission's staff for such report.

2. Issuer has failed to file definitive copies of the offering circular as required by Rule 256 (f) of Regulation A, despite requests by the Commission's staff for such copies.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Red Rock Oil & Gas Company, Suite 2, Cragin Building, Las Vegas, Nevada, and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10886; Filed, Dec. 31, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34384: *Caustic soda from southwestern points to the South.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7180), for interested rail carriers. Rates on sodium (soda): caustic (so-

dium hydroxide), liquid, tank-car loads, from Baldwin, Ark., Corpus Christi, Houston, Velasco, Tex., Lake Charles, Plaquemine, and West Lake Charles, La., to points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 15 to Agent Kratzmeir's tariff I. C. C. 4260.

FSA No. 34385: *Fertilizer and materials from Kansas and Nebraska to the South.* Filed by W. J. Prueter, Agent (WTL No. A–1951), for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from La Platte, Nebr., Lawrence and Military, Kans., to points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 15 to Agent Prueter's tariff I. C. C. A–4207.

FSA No. 34386: *Substituted service, motor and rail—B. & M., D. & H., and Erie.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 76), for the Boston and Maine Railroad, The Delaware and Hudson Railroad Corporation, Erie Railroad Company, All States Freight, Inc., and other motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars, between Cleveland, Ohio, on the one hand, and Cambridge, Holyoke, and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Asso., Inc., Agent, tariff I. C. C. 17.

FSA No. 34387: *Ammonium phosphate from Anaconda, Mont., to western points.* Filed by W. J. Prueter, Agent (TCFB No. 343), for interested rail carriers. Rates on ammonium phosphate, carloads, from Anaconda, Mont., to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 74 to Agent Prueter's tariff I. C. C. 1575.

FSA No. 34388: *Ammonium phosphate from Anaconda, Mont., to the Dakotas.* Filed by W. J. Prueter, Agent (TCFB No. 344), for interested rail carriers. Rates on ammonium phosphate; phosphate, acidulated; and phosphate, acidulated and ammoniated, carloads, from Anaconda, Mont., to points in North Dakota and South Dakota.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 74 to Agent Prueter's tariff I. C. C. 1575.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10892; Filed, Dec. 31, 1957; 8:45 a. m.]

[Notice 6]

APPLICATIONS FOR CONVERSION BY MOTOR CONTRACT CARRIERS

DECEMBER 27, 1957.

The following proceedings are governed by the Interstate Commerce Commission's Special Rules of Practice, published in the FEDERAL REGISTER on November 13, 1957, 22 F. R. 9015, concerning notice of proceedings upon application of a holder of motor contract carrier authority, under section 212 (c) of the Interstate Commerce Act, for the revocation of motor contract carrier authority issued on or before August 22, 1957, and the issuance in lieu thereof of a certificate of public convenience and necessity (49 CFR 1.242). A proceeding to determine the status of the carriers' operations has been instituted under section 212 (c).

Protests may be filed with the Commission within 30 days after the date of notice of the proceedings is published in the FEDERAL REGISTER. If oral hearing is desired the protest must so indicate.

The authority set out in the pertinent permits upon which a determination is sought has, in most instances, been summarized.

MOTOR CARRIERS OF PROPERTY

No. MC 26907 (Sub No. 14), filed November 15, 1957, RIPON TRUCKING CO., a Corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 26907, dated March 14, 1955.

Such materials, equipment, and supplies as are used or are useful in bakeries, over regular and irregular routes, from Minneapolis, Minn., and Chicago, Ill., to Ripon, Wis., serving the intermediate point of St. Paul, Minn., restricted to pick-up only.

Machinery, from Ripon, Wis., to Chicago, Ill., serving no intermediate points.

Cookies, in containers, over irregular routes, from Ripon, Wis., to points in Missouri, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and South Dakota: from Ripon, Wis., to Sharpsburg, Pa.

Building and roofing materials, from Marseilles, Ill., to points in Wisconsin.

Asphalt or composition siding, and *metal fasteners, nails, cement* and *caulking compound,* used in connection with the installation of siding, from South Bend, Ind., to points in Door and Kewaunee Counties, Wis., and points in that part of Wisconsin located north of U. S. Highway 16, and on and south of Wisconsin Highway 29 (except Milwaukee, Eau Claire and Chippewa Falls, Wis.).

No. MC 26907 (Sub No. 8), dated March 14, 1955.

Cookies, from Ripon, Wis., to points in Nebraska.

No. MC 26907 (Sub No. 9), dated July 12, 1956.

Cookies, in containers, from Ripon, Wis., to points in Tennessee.

No. MC 40946 (Sub No. 13) filed October 23, 1947, DELAWARE EXPRESS CO., a Corporation, P. O. Box 141, Elkton, Md. Applicant's representative: Franklin B. Blocksom, 133 Warrior Road, Drexel Hill, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 40946, dated December 19, 1955.

Poultry and dairy feeds, roofing material, miscellaneous farm supplies, and *fertilizer,* over regular routes, from Baltimore, Md., to Newark, Del., serving no intermediate points.

Poultry and dairy feeds, roofing material, miscellaneous farm supplies, and *fertilizer,* over irregular routes, from Newark, Del., to points in Maryland, Pennsylvania, and Delaware within 20 miles of Newark, Del., with no transportation for compensation on return except as otherwise authorized.

Paper and paper products, from Providence, Md., to Wilmington and Clayton, Del., New York, N. Y., Baltimore, Md., Washington, D. C., Camden and Burlington, N. J., points in that part of New Jersey bounded by a line beginning at Jersey City and extending along U. S. Highway 1 to Trenton, thence along U. S. Highway 206 to junction U. S. Highway 202, thence along U. S. Highway 202 to junction U. S. Highway 46 (formerly New Jersey Highway 6), thence along U. S. Highway 46 to Paterson, thence along New Jersey Highway 4 to the Hudson River, thence along the west bank of the Hudson River to point of beginning, and those in that part of Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line and extending along U. S. Highway 111 to Harrisburg, Pa., thence along U. S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified.

Machinery, materials, supplies, and equipment used or useful in the manufacture of paper and paper products, from New York, N. Y., Philadelphia and Marcus Hook, Pa., and Wilmington, Del., to Providence, Md.

Printing paper, from Providence, Md., to Garden City, N. Y., and Hanover, Pa.

Miscellaneous supplies and equipment used in the manufacture of paper and paper products, from Cornwells Heights, Pa., to Providence, Md.

Rejected shipments of printing paper and of *miscellaneous supplies and equipment* used in the manufacture of paper and paper products on return.

Display fireworks, and *materials and supplies* used in setting up display fireworks, from Elkton, Md., and points within three miles of Elkton, to points in Pennsylvania, New Jersey, and Delaware within 100 miles of Elkton, Md., and

Display fireworks forms, and *materials and supplies* used in setting off the display fireworks, from points in Pennsylvania, New Jersey, and Delaware within 100 miles of Elkton, Md., to Elkton, Md., and points within three miles of Elkton.

Liquid propane, in cylinders, from Arbutus, Md., to Glasgow, Del., and

Empty steel cylinders, from Glasgow, Del., to Arbutus, Md.

Liquid latex, in containers, from Naugatuck, Conn., to Elkton, Md., and points in Maryland within two miles of Elkton, and *empty containers,* on return.

Malt beverages, from Philadelphia, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia: from Allentown, Pa., to Atlantic City, Camden, Hammonton, Jersey City, Paulsboro, Penns Grove, and Wildwood, N. J., Baltimore and Cumberland, Md., Beckley, W. Va., New York, N. Y., Roanoke and Harrisonburg, Va., Wilmington, Del., and Washington, D. C.

Empty malt beverage containers, from the destination points specified immediately above, to Allentown, Pa., and from points in Connecticut, Delaware, Maryland, New Jersey and New York, to Philadelphia, Pa.

Empty containers and *rejected shipments* of malt beverages, from points in Virginia and the District of Columbia to Philadelphia, Pa.

Brewers' supplies, from Baltimore, Md., and Jersey City, N. J., to Allentown, Pa.

Glass bottles, from Bridgeton, N. J., to Allentown, Pa.

Fibreboard cartons, from Delair, N. J., to Allentown, Pa.

Empty fibreboard containers, from Jersey City, N. J., to Allentown and Pottsville, Pa.

No. MC 40946 (Sub No. 12), dated December 19, 1956.

Poultry and *dairy feeds, roofing material,* and *seed,* over irregular routes, from Baltimore, Md., to points within 20 miles of Newark, Del., in Maryland, Pennsylvania, and Delaware, not including Newark.

NOTE: Applicant is authorized to conduct operations as a *common carrier* in Certificate No. MC 114301 dated October 21, 1955.

No. MC 52978 (Sub No. 15), filed October 23, 1957, MICHIGAN TRANSPORTATION COMPANY, 1650 Waterman, Detroit 9, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 52978, dated May 6, 1947.

Clay products, tile, cement, plaster, and *mortar,* over irregular routes, from points in that part of Ohio east of a line beginning at Pomeroy, Ohio, and extending along U. S. Highway 33 to Columbus, Ohio, thence along U. S. Highway 23 to Perrysburg, Ohio, thence along U. S. Highway 20 to junction Ohio Highway 120, and thence along Ohio Highway 120 to Sylvania, Ohio, and thence along U. S. Highway 223 to the Ohio-Michigan State line, to points in that part of Michigan bounded by a line beginning at the Michigan-Indiana State line (near New Buffalo, Mich.) and extending north along the shore of Lake Michigan to Muskegon, thence east along Michigan Highway 20 to Bay City, thence continuing east along Michigan Highway 47 to the Saginaw Bay, thence continuing east along the shores of Saginaw Bay and Lake Huron to Huron City, thence south along the shores of Lake Huron, the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie to the Ohio-Michigan State line, thence west along the Ohio-Michigan State line to junction Indiana-Michigan State line, and thence along the Indiana-Michigan State line to the point of beginning, including the points named and points on the indicated portions of the highways specified: from Corunna, Williamston, Grand Ledge, and points in Wayne County, Mich., to points in the above-specified Ohio territory.

Beans, from points in the lower peninsula of Michigan to points in Ohio.

Paper, used in the manufacture of building materials, from Monroe, Mich., to Port Clinton, Ohio.

Lime, from Luckey, Ohio, to points in Wayne, Oakland, and Macomb Counties, Mich.

Plastic sheets, wallboard, metal lath, metal pipe for sewer and water systems, *building insulation material,* and *millwork,* between Lansing, Mich., and points in Wayne County, Mich., on the one hand, and, on the other, East Canton, Sugar Creek, Stony Creek, Mansfield, Coshocton, Uhrichsville, New Philadelphia, and Columbus, Ohio.

Machinery and supplies used in the manufacture of plaster, and *building materials and bulding contractors' supplies,* between Detroit, Mich., and points within eight miles of Detroit, on the one hand, and, on the other, Port Clinton, Ohio.

No. MC 52978 (Sub No. 1), dated January 4, 1950.

Soda ash, in bulk, in tank vehicles, over irregular routes, from Wyandotte, Mich., to Winchester, Ind., and points in Ohio, *delivered defective shipments,* in bulk, in tank vehicles, on return.

No. MC 52978 (Sub No. 2), dated November 29, 1950.

Chemicals in liquid form, in bulk, in tank vehicles, over irregular routes, from points in Wayne County, Mich. (except Detroit), to points in Illinois, Indiana, and Ohio.

Soda ash, in bulk, in tank vehicles, from points in Wayne County, Mich., to points in Illinois, Indiana, and Ohio (except Gas City, Muncie, and Terre Haute, Ind., Alton and Streator, Ill., Columbus, Ohio, and points in Allen, De Kalb, and Steuben Counties, Ind.).

No. MC 52978 (Sub No. 3), dated November 16, 1950.

Gypsum, and *asphalt building materials,* over irregular routes, from Port Clinton, Ohio, to points in the lower peninsula of Michigan.

No. MC 52978 (Sub No. 6), dated May 15, 1951.

Cement, over irregular routes, between points in Wayne, Mich., on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Pomeroy, Ohio, and extending along U. S. Highway 33 to Columbus, Ohio, thence along U. S. Highway 23 to Perrysburg, Ohio, thence along U. S. Highway 20 to junction Ohio Highway 120, thence along Ohio Highway 120 to Sylvania, Ohio, and thence along U. S. Highway 223 to the Ohio-Michigan State line.

No. MC 52978 (Sub No. 11), dated February 15, 1957.

Salt, over irregular routes, from the port of entry on the United States-Canada Boundary line at or near Detroit, Mich., to points in Michigan (except those north of the Detroit, Mich., Commercial Zone, as defined by the Commission, located on U. S. Highway 25 and Michigan Highway 29 extending to and including Port Huron, Mich.).

No. MC 52978 (Sub No. 13), dated October 3, 1956.

Cement, in bags, and in bulk, over irregular routes, from Detroit, Mich., to points in Indiana.

NOTE: Applicant conducts *common carrier* operations by virtue of Certificate No. MC 85934, dated January 14, 1957.

No. MC 70330 (Sub No. 26), filed November 5, 1957, J. TOM MILLER, doing business as MILLER TRUCK LINE, 901 Northeast 28th Street, Fort Worth 6, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 70330, dated July 24, 1947.

Fresh meats, packing-house products, and *such other commodities* as are dealt in or distributed by packing houses, and *advertising matter* used in promoting the sale of such commodities, from Dallas, Tex., to Elk City, Enid, Duncan, Tulsa, Oklahoma City, Ardmore, Broken Bow, Hugo, Idabel, and Boswell, Okla., and Fort Smith, Little Rock, and El Dorado, Ark.: between Fort Worth, Tex., and Elk City, Okla.

Dressed Poultry, from Paris, Tex., to Monroe, Shreveport, New Orleans, Alexandria, and Baton Rouge, La.

Cheese, from Denton, Tex., to Monroe, Shreveport, New Orleans, Alexandria, and Baton Rouge, La., *rejected or damaged shipments* of the above-specified commodities, on return.

Fresh meats, packing-house products, and *such other commodities* as are dealt in or distributed by packing houses, between Dallas, on the one hand, and, on the other, Fort Worth, Monroe, Shreveport, New Orleans, Alexandria, Baton Rouge, and Lake Charles, La.: between Shreveport, La., and Monroe, La.: between Alexandria, La., and Baton Rouge, La.: between New Orleans, La., and Alexandria, La.: between Fort Worth and Dallas, Tex., and Alexandria, Baton Rouge, Monroe, New Orleans, and Shreveport, La., on the one hand, and, on the other, Gulfport, Hattiesburg, Jackson, Meridian, Natchez, and Vicksburg, Miss.: between Forth Worth, Tex., on the one hand, and, on the other, Enid, Tulsa, Ardmore, Oklahoma City, Broken Bow, Hugo, Idabel, and Boswell, Okla.; Monroe, Shreveport, New Orleans, Alexandria, Baton Rouge, Lake Charles, Camp Beauregard (near Alexandria), Camp Claiborne (near Alexandria), Camp Livingston (near Alexandria), Camp Polk (near Leesville), Bossier City, Barksdale Field (near Shreveport), Crowley, Iowa, Jeanerette, Jennings, Lafayette, Mermentau, Midland, New Iberia, Oliver, Rayne, Roanoke, and Welsh, La.; Forth Smith, Little Rock, El Dorado, Pine Bluff, Helena, Hope, West Memphis, and Camp Robinson, Ark.; Clarksdale, Greenville, Gulfport, Hattiesburg, Jackson, Meridian, Natchez, Vicksburg, and Camp Shelby (near Hattiesburg), Miss., and all army camps or

United States government defense projects within 15 miles of Pine Bluff, Magnolia, Helena, Hope, Forth Smith, Texarkana, and West Memphis, Ark.

No. MC 70330 (Sub No. 8), dated June 28, 1946.

Fresh meats, packing-house products, and such other commodities as are dealt in or distributed by packing houses, and *advertising matter* used in promoting the sale of such commodities, over irregular routes, between Fort Worth and Dallas, Tex., on the one hand, and, on the other, Texarkana and Magnolia, Ark.

No. MC 70330 (Sub No. 11), dated April 15, 1947.

The commodities classified as meat, meat products, meat by-products, as dairy products, and *as articles distributed by meat-packing houses,* as defined by the Commission, under contract with the United States Government, over irregular routes, between Fort Worth and Dallas, Tex., Barksdale Field, La., (near Shreveport, La.) and military establishments or depots in Texas, Oklahoma and New Mexico.

Fruits and *vegetables* on government bills of lading, over irregular routes, between Fort Worth and Dallas, Tex., and Barksdale Field, La., and military establishments or depots in Texas and Oklahoma.

No. MC 70330 (Sub No. 14) dated January 13, 1948.

The commodities classified as meats, meat products, and *meat by-products,* as *dairy products,* and *as articles distributed by meat-packing houses,* as defined by the Commission, and *advertising matter* used in promoting the sale of such commodities, over irregular routes, from Paris, Fort Worth, and Dallas, Tex., to Greenwood, Miss.

No. MC 70330 (Sub No. 15), dated March 5, 1948.

The commodities classified as meat, meat products, meat by-products, as dairy products, and as articles distributed by meat packing houses, as defined by the Commission, and *advertising matter* used in promoting the sale of such commodities, over irregular routes, from Dallas and Fort Worth, Tex., to Camden, Ark.

Dressed poultry, over irregular routes, from Paris, Tex., to Camden, Ark.

No. MC 70330 (Sub No. 19), dated May 3, 1949.

The commodities classified as (a) meat, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat packing houses, as defined by the Commission, over irregular routes, from Fort Worth, Tex., to points in that part of New Mexico bounded by a line beginning at the Texas-New Mexico State line, thence along U. S. Highway 60 to junction U. S. Highway 285, thence along U. S. Highway 285 to junction Texas-New Mexico State line, and thence along the Texas-New Mexico State line to the point of beginning, including points and places on the indicated portions of the highways specified and points in New Mexico within 15 miles of Clovis and Roswell, N. Mex.

No. MC 70330 (Sub No. 20), dated January 12, 1950.

Meats, meat products, and *meat by-products* as specifically classified in paragraph A of the appendix to the report in *Modification of Permits—Packing-House Products,* 46 M. C. C. 23, articles distributed by meat-packing houses as specifically classified in paragraph C of the appendix to said report, and *advertising matter* used in promoting the sale of the foregoing commodities, over irregular routes, between Fort Worth, Tex., on the one hand, and, on the other, points in Louisiana except Monroe, Shreveport, New Orleans, Alexandria, Baton Rouge, Lake Charles, Camp Beauregard, Camp Claiborne, Camp Livingston, Camp Polk, Bossier City, Barksdale Field, Crowley, Iowa, Jeanerette, Jennings, Lafayette, Mermentau, Midland, New Iberia, Olivier, Rayne, Roanoke, and Welsh, La.

No. MC 70330 (Sub No. 24), dated May 29, 1957.

Meats, meat products, and meat by-products, as defined by the Commission, from Paris, Tex., to Alexandria, Baton Rouge, and New Orleans, La., and Mobile, Ala.

No. MC 70330 (Sub No. 25), dated March 18, 1957.

Meats, meat products and meat by-products, as defined by the Commission, over irregular routes, from Dallas and Fort Worth, Tex., to Galveston, El Paso, Hidalgo, and Laredo, Tex.

Restriction: The authority granted herein is restricted to the transportation of traffic destined to points in foreign countries.

No. MC 80284 (Sub No. 16), filed November 4, 1957, CHRISPENS TRUCK LINES, INC., 4551 South Racine Avenue, Chicago 9, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 80284, dated July 15, 1943.

Paper, paper products, and *pulp board,* over irregular routes, from Lockland, Urbana, and Dayton, Ohio to points in the Chicago, Ill., Commercial Zone, as defined by the Commission. Service is authorized to and from points in the Chicago, Ill., Commercial Zone as defined by the Commission, as follows:

Groceries, from the Chicago, Ill., Commercial Zone to Tiffin, Findley, Mansfield, and Fostoria, Ohio.

Fish, from points on Lake Erie between Port Clinton and Cleveland, Ohio, including Port Clinton and Cleveland, to the Chicago, Ill., Commercial Zone.

Canned food, from Oak Harbor, Ohio, to the Chicago, Ill., Commercial Zone.

Wire, iron, brass, and *steel products, automobile parts and appliances, electrical household appliances, pottery insulators, printing paper, paper products, refrigerators, cooling machinery, supplies,* and *equipment,* and *electrical automobile equipment,* from Toledo, Fostoria, Carey, Franklin, Middletown, and Moraine, Ohio, to the Chicago, Ill., Commercial Zone.

Packing-house products, equipment and supplies used in meat-packing houses, and *commodities* requiring refrigeration other than liquids, between the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, Fort Wayne, Ind., and points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line and extending along U. S. Highway 22 to Cincinnati, Ohio, thence along the Ohio River to the Ohio-Indiana State line.

No. MC 80284 (Sub No. 6), dated April 23, 1947.

Paper cartons, over irregular routes, from Springfield, Ohio, to points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

Skids for paper, from points in the Chicago, Ill., Commercial Zone, as defined above, to Lockland, Urbana, Dayton, Franklin, Springfield, and Middletown, Ohio.

The commodities classified (1) as meats, meat products, and meat by-products, (2) as dairy products, and (3) as articles distributed by meat-packing houses, as defined by the Commission, subject to a "Keystone" restriction, from Chicago, Ill., to Hillsboro, Ohio.

Meat packing house supplies and materials, and *the commodities classified* (1) as meats, meat products and meat by-products, (2) as dairy products, and (3) as articles distributed by meat packing houses, as defined by the Commission, from Mishawaka, Ind., to points in Ohio on and north of U. S. Highway 22.

No. MC 80284 (Sub No. 7), dated May 24, 1948.

Pulpboard and *paper* and *paper products,* over irregular routes, from Dayton, Ohio, to Cayuga, Ind.

From Cleveland, Ohio to Chicago, Chemung, Huntley, and Rockford, Ill., and *rejected shipments* of the above commodities on return.

No. MC 80284 (Sub No. 9), dated May 18, 1950.

Paper products, materials used in the manufacture of paper products, and *steel strapping,* over a regular route, between Hamilton, Ohio, and Chicago, Ill., serving the intermediate points of Richmond, Muncie and Hammond, Ind., and the off-route points of De Kalb, La Salle, and Peoria, Ill., and those in Illinois within 30 miles of Chicago.

Paper and *paper products,* over irregular routes, from Hamilton, Ohio, to Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., Buffalo and Rochester, N. Y., and points in Indiana on and north of U. S. Highway 40 except Chicago, De Kalb, La Salle, and Peoria, and those within 30 miles of Chicago, and those in Michigan on and south of Michigan Highway 21.

Steel strapping, paper and paper products, and *materials and supplies* used in the manufacture and shipping of paper and paper products, from the above-specified destination points and Toledo, Ohio, to Hamilton, Ohio.

No. MC 80284 (Sub No. 12), dated November 7, 1949.

Paper, paper products, pulpboard, and *pulpboard products* and *materials and supplies* used or useful in the manufacture thereof, over irregular routes, between Springfield, Ohio, on the one hand, and, on the other, Goodland, Ind., points in Indiana on and north of U. S. Highway 30, and in Illinois within a ra-

dius of 35 miles of Chicago, Ill., except Chicago, Chicago Heights, and Joliet, Ill.

Between Urbana, Ohio, on the one hand, and, on the other, Goodland, Ind., points in Indiana on and north of U. S. Highway 30, and points in Illinois within a radius of 35 miles of Chicago, Ill., but not including Joliet, Ill., or any points within the Chicago, Ill., commercial zone as defined by the Commission.

No. MC 80284 (Sub No. 13), dated December 14, 1950.

Paper and *paper products,* over irregular routes, from Hamilton, Ohio, to Providence, R. I., and points in New Jersey and New York (except Buffalo and Rochester, N. Y.), and *skids for paper* on return.

No. MC 80284 (Sub No. 15), dated August 2, 1957.

Cleaning compounds, washing compounds, soap, soap products, concentrated lye, chlorinated lime, shortening, oleomargarine, and *glycerine,* from Chicago, Ill., to points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along U. S. Highway 22 to Cincinnati, Ohio, thence along the Ohio River to the Ohio-Indiana State line.

No. MC 82336 (Sub No. 18), filed October 11, 1957, (CORRECTION) UNITED PARCEL DELIVERY, INC., 663 Bryson Street, Youngstown, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Original notice of filing of BOR 96 for conversion of certain of the permits of subject carrier included a portion of authority in the lead permit, MC 82336, dated February 6, 1950, reading:

New furniture, uncrated, from Columbiana, Ohio, to points in Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, West Virginia, the District of Columbia, and those in Monroe, Wayne, and Macomb Counties, Mich.

New furniture and *used furniture* when transported for or after refinishing, reconditioning, or reupholstering at a factory, repair shop, or upholstery shop, between points in Mahoning and Columbiana Counties, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line near Tuna, Pa., and extending along U. S. Highway 219 to junction U. S. Highway 322, thence along U. S. Highway 322 to junction U. S. Highway 220, thence along U. S. Highway 220 to the Maryland-Pennsylvania State line, including points on the indicated portions of the highways specified, and points in that part of West Virginia on and north of U. S. Highway 50.

Restriction: The service authorized immediately above is restricted against the transportation of new furniture from points in Warren County, Pa. The above-described authority was transferred from subject carrier to FURNITURE DELIVERY, INC., Columbiana, Ohio, pursuant to MC-FC-60135 and assigned Docket Number MC 116821 (Sub No. 1), for that reason inclusion of this authority in the previous notice was in error, and the effect of this republication is to delete from the notice in MC 82336 (Sub No. 18) published November 27, 1957, any reference to the foregoing operations.

NOTE: See Notice of Filing (BOR 96) No. MC 116821 (Sub No. 2) published this issue.

No. MC 105572 (Sub No. 19) filed October 23, 1957, C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: Blair Moody, Jr., 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 105572 (Sub No. 1), dated June 28, 1950.

Paper mill products and supplies, over a regular route, between Hamilton, Ohio, and Chicago, Ill., serving the intermediate point of Hammond, Ind.

Beans, in truckloads, over irregular routes, from points in the lower peninsula of Michigan to points in Ohio and Indiana.

Brick and *clay products,* in truckloads, from Black Lick, Galena, Junction City, and Taylor Station, Ohio, to points in the lower peninsula of Michigan.

Flour, feed, and *grain products,* from Mt. Pleasant, Mich. to points in Ohio on and north of U. S. Highway 35 from the Indiana-Ohio State line to Washington Court House, Ohio, and U. S. Highway 22 from Washington Court House, to Cadiz, Ohio, and on and west of U. S. Highway 250 from Cadiz to Sandusky, Ohio, and those in Indiana on and north of U. S. Highway 40.

Lime and *lime products* in truckloads, from Woodville, Ohio, to Mt. Pleasant, Mich.

Lime, common or hydrated, *lime,* chlorinated, dry or liquid, and *plaster,* between Genoa, Ohio, on the one hand, and, on the other, points in the lower peninsula of Michigan.

Petroleum and *petroleum products,* in containers, in truckloads, from Findlay, Ohio, to points in the lower peninsula of Michigan.

Salt, in truckloads, from Manistee, Midland, and Saginaw, Mich., to points in Indiana on and north of U. S. Highway 40, and those in Ohio on and north of U. S. Highway 40 and on and west of Ohio Highway 13,

Salt, from St. Louis, St. Clair, Marysville, and Port Huron, Mich., to points in Ohio, Indiana, and Illinois.

Fertilizer, from Lockland, Ohio, to points in Michigan.

Chemicals and insecticides, from St. Louis, Mich., to points in Ohio, Indiana, and Illinois.

Rejected shipments of chemicals and insecticides, from points in Ohio, Indiana, and Illinois to St. Louis, Mich.

Animal and poultry feeds, from Hammond, Ind., to points in that portion of the lower peninsula of Michigan beginning at Port Huron and extending along Michigan Highway 21 to Flint, thence along U. S. Highway 10 to Saginaw, thence along Michigan Highway 46 to junction U. S. Highway 27, thence along U. S. Highway 27 to Clare, thence along U. S. Highway 10 to Reed City, thence along U. S. Highway 131 to Petoskey, thence along U. S. Highway 31 to Mackinaw City, and thence along the shores of Lake Huron to the point of beginning, including points and places on the highways specified, with no service authorized to Flint, Reed City, and Saginaw, Mich.

Fence and fencing materials, from Chicago, Ill., and Crawfordsville, Ind., to points and places in the lower peninsula of Michigan.

Building, roofing and insulating materials and supplies, as more specifically set forth in the Permit, from East St. Louis, Marseilles, and Wilmington, Ill., to Newport, Carrollton, Paducah, Henderson, and Latonia, Ky.: from Chicago Heights, Ill., to Carrollton, Henderson, and Paducah, Ky.: from Waukegan, Ill., to points in Indiana, Ohio, and the lower peninsula of Michigan: from Lockland, Ohio, to Carrollton, Ky., Hannibal, Mo., and points in Illinois, and the lower peninsula of Michigan: from Whiting, Ind., to Covington, Owensboro, and Camp Knox, Ky., Hannibal and Cape Girardeau, Mo., and points in Illinois, Indiana, Iowa, Michigan, and Ohio (except points in the Cincinnati, Ohio, Commercial Zone): from Peoria, Marseilles, Danville, and Chicago, Ill., and Lowell, Ind., to Hannibal, Mo., Louisville, Covington, Owensboro, and Fort Knox, Ky., and points in Illinois (except from Lowell), Indiana (except from Marseilles), Iowa, Ohio (except from Chicago, Ill., to points in the Cincinnati, Ohio, Commercial Zone, supra), and the lower peninsula of Michigan: from Chicago Heights, Ill., to Hannibal, Mo., Louisville, Covington, Owensboro, and Fort Knox, Ky., and points in Illinois, Iowa, and the lower peninsula of Michigan: from Wilmington, Ill., to Hannibal, Mo., Louisville, Covington, Owensboro, and Fort Knox, Ky., points in Illinois, Iowa, the lower peninsula of Michigan, and those in Indiana (except those in that portion of Indiana bounded by a line beginning at the Indiana-Ohio State line, thence extending west on U. S. Highway 6 to Waterloo, Ind., thence south on U. S. Highway 27 to Lynn, Ind., and thence east on U. S. Highway 36 to the Indiana-Ohio State line, and those on the indicated portions of the highways specified): from Joliet, Ill., to Hannibal, Mo., Louisville, Covington, Owensboro and Fort Knox, Ky., and points in Illinois, Iowa, Ohio, and the lower peninsula of Michigan: from St. Louis, Mo., to Hannibal, Mo., Louisville, Covington, Owensboro and Fort Knox, Ky., and points in Indiana, Iowa, and the lower peninsula of Michigan: from South Bend, Ind., to Hannibal, Mo., Louisville, Covington, Owensboro and Fort Knox, Ky., and points in Indiana, Iowa, Ohio, and the lower peninsula of Michigan: from South Bend, Lowell, and Whiting, Ind., to Joliet, Ill.: between Peoria, Wilmington, Danville, and Chicago, Ill., on the one hand, and, on the other, South Bend, Lowell and Whiting, Ind.

Materials and supplies, used in the manufacture of roofing and asphalt siding, from St. Louis and Hannibal, Mo., and Louisville, Covington, Owensboro, and Fort Knox, Ky., and points in Illinois, Indiana, Iowa, Ohio, and the lower peninsula of Michigan, to Lowell and Whiting, Ind. (except from Louisville and points in the *Cincinnati Commer-*

cial Zone, supra, to Whiting, Ind., and except from Vandalia and Joliet, Ill., to Lowell and Whiting, Ind.).

Rock wool, from Alexandria, Ind., to points in Illinois, Ohio, and the lower peninsula of Michigan.

No. MC 105572 (Sub No. 9), dated January 11, 1955.

Roofing, insulating, and *building materials,* over irregular routes, from National City, Mich., to all points in Illinois, Indiana, and Ohio.

Insulating siding for exterior walls, and *component parts thereof,* from Savanna, Ill., to all points in Indiana and Ohio, and those in that part of Michigan east of a line beginning at Bay City, Mich., and extending along U. S. Highway 23 to Flint, Mich., thence along Michigan Highway 78 to Lansing, Mich., and thence along U. S. Highway 127 to the Michigan-Ohio State line.

No. MC 105572 (Sub No. 13), dated December 14, 1954.

Empty drums, over irregular routes, from points in the lower peninsula of Michigan to Findlay, Ohio.

No. MC 105572 (Sub No. 16), dated February 27, 1956.

Building materials, from Franklin, Ohio to those points in the lower peninsula of Michigan located north of a line extending along U. S. Highway 16 from Detroit, through Lansing, Grand Rapids, to Muskegon, and *empty containers, skids or pallets,* used in transporting the above-specified commodities, on return.

No. MC 107052 (Sub No. 6), filed November 15, 1957, EDWIN L. MORTON, 101 West Willis Avenue, Perry, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 107052, dated April 23, 1947.

Iron and steel castings, over irregular routes, from Perry, Iowa, to Albert Lea, Minn., and to all points in Illinois.

Seed corn, from Perry, Iowa, to points in Missouri, Nebraska, Kansas, and South Dakota.

Rejected shipments of the above described commodities, from the points of destination above described to Perry, Iowa.

No. MC 107052 (Sub No. 1), dated August 10, 1951.

Commercial fertilizer, over irregular routes, from Perry, Iowa, and points within 2 miles thereof to points in Missouri, Kansas, and South Dakota.

Deteriorated commercial fertilizer, from points in the above-specified destination territory to Perry, Iowa, and points within 2 miles of Perry.

No. MC 107052 (Sub No. 3), dated December 7, 1954.

Fertilizer, from Perry, Iowa, to points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line and extending along Minnesota Highway 19 through Ivanhoe, Marshall, Gaylord, and Howsdale, Minn., to the Wisconsin-Minnesota State line, near Red Wing, Minn.

No. MC 108181 (Sub No. 5), filed November 18, 1957, RIDDLE CARTAGE, INC., 3750 Grant Street, Gary, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 108181, dated February 26, 1957.

Structural clay products, sand, stone and *cement,* over irregular routes, between points in Cook County, Ill., on the one hand, and, on the other, points in Lake, La Porte, Porter, and St. Joseph Counties, Ind.

Structural clay products, from Hobart, Ind., to points in that part of Illinois on and north of U. S. Highway 40 (except points in Cook County, Ill.).

Brick, from Danville and Galesburg, Ill., to points in Lake County, Ind.: from Blue Island, Ill., to points in Berrien, Cass, St. Joseph, Branch, Hillside, Calhoun, Kalamazoo, Van Buren, and Allegan Counties, Mich.

Brick and *clay tile,* from Veedersburg, Ind., to points in that part of Illinois on and north of U. S. Highway 36.

No. MC 108181 (Sub No. 4), dated April 22, 1957.

Brick, in dump vehicles, from points in Cook County, Ill., to points in Indiana (except points in Lake, La Porte, Porter, and St. Joseph Counties) and Michigan (except points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Calhoun, Kalamazoo, Van Buren, and Allegan Counties); and *returned shipments* of the above-specified commodities, on return.

No. MC 108504 (Sub No. 1), filed November 20, 1957, CARL H. SCHAFFER, Payson, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 108504, dated March 8, 1955.

Fresh fruits and vegetables, from points in Hancock and Adams Counties, Ill., to points in Iowa and Wisconsin and *fresh fruit and vegetable containers* on return.

No. MC 108615 (Sub No. 6), filed November 1, 1957, TERRY TRUCKING SERVICE, INC., P. O. Box 502, R. F. D. No. 3, Ottawa, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 108615, dated July 1, 1957.

Building, roofing, and specified insulating materials and supplies used in the installation thereof and *automobile body panels,* over irregular routes, from Marseilles, Ill., to points in Michigan, and *rejected shipments* of the above-specified commodities on return.

Brick and *tile,* from Lowell, Ottawa, St. Anne, and Streator, Ill., and Crawfordsville and Hobart, Ind., to Covington, Ky., Cincinnati, Ohio, and points in Illinois, Indiana, Iowa, and Wisconsin, and those in that part of Missouri within 50 miles of the Illinois-Missouri State line.

From Ottawa, Ill., and points within one mile thereof, to points in Ohio (except Cincinnati).

From points within one mile of Ottawa, Ill., to Cincinnati, Ohio.

From Springfield, Ill., to St. Louis, Mo., and points in St. Louis County, Mo.

From Brazil, Ind., to Springfield, Ill.

Building tile, drain tile, brick, and fire clay, from Lowell, Ottawa, St. Anne, and Streator, Ill., and Crawfordsville and Hobart, Ind., to points in Michigan.

From Princeton, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin, and *rejected shipments of building tile, drain tile, brick, and fire clay,* from the immediately above-specified destination points to their respective above-specified origin points.

Fire clay, from Ottawa, Ill., and points within one mile thereof, to points in Indiana (except those in the Chicago, Ill., Commercial Zone), Ohio, Iowa (except Davenport and Keokuk), points in Missouri within 50 miles of the Illinois-Missouri State line (except those in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone), and points in that part of Wisconsin north and west of a line beginning at the Minnesota-Wisconsin State line and extending along U. S. Highway 18 to the western boundary line of Milwaukee County, thence north along said boundary line to junction with the Milwaukee County northern boundary line, thence east along said boundary line to junction Wisconsin Highway 57, thence north along Wisconsin Highway 57 to Plymouth, Wis., and thence east along Wisconsin Highway 23 through Sheboygan to Lake Michigan, not including Sheboygan.

From points within one mile of Ottawa, Ill., to points in Michigan.

Used pallets, skids, bases, or other platforms or containers, used and to be used by said carrier in the previously authorized transportation of brick, tile, and related commodities, from Covington, Ky., Cincinnati, Ohio, and points in Michigan, Illinois, Indiana, Iowa, and Wisconsin, and those in that part of Missouri within 50 miles of the Illinois-Missouri State line to Lowell, Ottawa, St. Anne, and Streator, Ill., and Crawfordsville and Hobart, Ind.

From St. Louis, Mo., and points in St. Louis County, Mo., to Springfield, Ill.

From Springfield, Ill., to Brazil, Ind.

From points in Indiana, Iowa, Michigan, and Wisconsin to Princeton, Ill.

From points in Indiana (except those in the Chicago, Ill., Commercial Zone), Ohio, Iowa (except Davenport and Keokuk), points in Missouri within 50 miles of the Illinois-Missouri State line (except those in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone), and points in that part of Wisconsin north and west of a line beginning at the Iowa-Wisconsin State line and extending along U. S. Highway 18 to the western boundary line of Milwaukee County, thence north along said boundary line to junction with the Milwaukee County northern boundary line, thence east along said boundary line to junction Wisconsin Highway 57, thence north along Wisconsin Highway 57 to Plymouth, Wis., and thence east along Wisconsin Highway 23 through Sheboygan to Lake Michigan, not in-

cluding Sheboygan, to Ottawa, Ill., and points within one mile of Ottawa.

From points in Michigan to points within one mile of Ottawa, Ill.

Building materials, from Chicago Heights, Ill., to points in Indiana within 60 miles of Chicago Heights.

Building and roofing materials, from Marseilles, Ill., to Covington, Ky., Cincinnati, Ohio, and points in Indiana and Iowa, and those in that part of Missouri within 50 miles of the Illinois-Missouri State line.

Roofing and roofing materials, from East St. Louis, Ill., to Roachdale, Ind., and points in Indiana south of U. S. Highway 40.

Roofing, roofing materials, and building materials, from Chicago Heights, Ill., to points in that part of Wisconsin on and north of Wisconsin Highway 64.

Canned goods, from points in Indiana to points in Illinois. From points in the lower peninsula of Michigan to Canton, Hannibal, and St. Charles, Mo., and points in that part of Wisconsin on and north of Wisconsin Highway 64.

From points in that part of Wisconsin on and north of Wisconsin Highway 64 to Canton, Hannibal, and St. Charles, Mo., and points in Iowa.

From points in that part of Wisconsin south of Wisconsin Highway 64 to Canton, Hannibal, and St. Charles, Mo.

Cement, from Utica, Ill., to St. Louis, Mo., and points in Indiana, Iowa, and Wisconsin.

Farm seeds, from Grand Ridge, Ill., and points within five miles thereof to points in Ohio and Michigan.

Farm seeds, during the period January 1 to June 30, inclusive, of each year, from Grand Ridge, Ill., and points within five miles thereof to points in Indiana and Wisconsin.

Fertilizer, from Indianapolis and Hammond, Ind., to Grand Ridge, Ill., and points within five miles thereof.

Malt beverages and *sodas,* from Clinton, Iowa, St. Louis, Mo., Evansville, Ind., and Milwaukee and Waukesha, Wis., to Ottawa, Ill., and *empty containers* on return.

Scrap paper and rags, from points in Indiana, Iowa, Michigan, and Missouri to Marseilles, Ill.

Slab and cut stone, from Bedford and Bloomington, Ind., to Springfield, Ill., and points within 100 miles of Springfield.

No. MC 109559 (Sub No. 4), filed December 4, 1957, GEORGE FEESE, doing business as FEESE TRANSPORT, Alma, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 109559, dated July 11, 1950.

Petroleum products, in bulk, over irregular routes, from refining and distributing points in Kansas, to Culbertson, Cambridge, Holbrook, Arapahoe, and Bertrans, Nebr., and North Kansas City, Mo.

From North Kansas City, Mo., to Cambridge, Nebr.

Refined petroleum products, from refining and distributing points in Kansas to Benkelman, Culbertson, Palisade, Wauneta, McCook, Trenton, Hamlet, Enders, Stratton, and Imperial, Nebr.

Liquid petroleum products, in bulk, from McPherson, Wichita, El Dorado, and Augusta, Kans., to Grant, Brandon, and Franklin, Nebr.

No. MC 109650 (Sub No. 9), filed November 15, 1957, HAROLD F. DUSHEK, 406 Lake Street, Waupaca, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109650, dated November 6, 1956.

Coal, and *commercial furniture and equipment,* over irregular routes, from Menominee, Mich., to Coleman, Wis.

Commercial furniture and equipment, farm machinery, grain, feed, flour and *sugar,* from Coleman, Wis., to points in the upper peninsula of Michigan.

Commercial furniture and fixtures, uncrated, from Coleman, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and the lower peninsula of Michigan.

Fertilizer, from Chicago Heights, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Coleman, Wis., and points in Wisconsin within 20 miles thereof.

Animal food and *meat scraps,* from Minneapolis, Minn., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Coleman, Wis., and points within 20 miles thereof.

Animal food, from Minneapolis, Minn., to points in Wisconsin and the upper peninsula of Michigan within 75 miles of Coleman, Wis., (except points in Wisconsin within 20 miles of Coleman, Wis.).

Poultry food, from Minneapolis, Minn., to points in Wisconsin and the upper peninsula of Michigan within 75 miles of Coleman, Wis.

No. MC 109650 (Sub No. 7), dated June 20, 1957.

New furniture, and store and office fixtures, as defined by the Commission, uncrated, from Coleman, Wis., to points in Indiana and Ohio.

NOTE: Applicant conducts *common carrier* operations by virtue of Certificate No. MC 113751, dated November 7, 1956.

No. MC 109890 (Sub No. 1), filed December 2, 1957, HARRY SMOLOWITZ AND MORRIS SMOLOWITZ, doing business as SMOLOWITZ BROS., 909 Utica Avenue, Brooklyn 3, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 109890, dated May 14, 1951.

New furniture and new hotel and hospital furnishings uncrated, over irregular routes, between New York, N. Y., and Washington, D. C.

NOTE: Applicant conducts *common carrier* operations by virtue of Certificate No. MC 95180 and Sub numbers thereunder.

No. MC 110130 (Sub No. 5), filed October 28, 1957, JOE WARREN AND MERRICK WARREN, doing business as WARREN BROTHERS, R. D. No. 2, Center Road Station, Linesville, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110130, dated June 2, 1954.

Agricultural limestone, over irregular routes, from Conneaut, Ohio, to points in Conneaut, Pine, North Shenango, West Fallowfield, South Shenango, East Fallowfield, Sadusbury, Summit, and Beaver Townships, Crawford County, Pa.

Agricultural limestone, in bulk, from Conneaut, Ohio to points in Cussewago, Greenwood, Hayfield, Spring, Summerhill, Vernon, and Woodcock Townships, Crawford County, Pa.

Agricultural limestone, in sacks, from Conneaut, Ohio to points in the townships in Crawford County, Pa., specified above and points in Forest and Venango Counties, Pa.

Fertilizer and fertilizer materials, ingredients and spreading machines; animal and poultry feed and feed ingredients; inedible packing-house products; agricultural insecticides; weed-killing compounds; sprayers and dusters; bags; and *printed matter,* between Cleveland, Ohio, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forrest, Greene, Indiana, Jefferson, Lawrence, Mercer, McKean, Potter, Venango, Warren, Washington, and Westmoreland Counties, Pa.

No. MC 110283 (Sub No. 8), filed October 22, 1957, PAUL ABLER, doing business as MADISON OIL, Box 596, Norfolk, Nebr. Applicant's attorney: J. Max Harding, I. B. M. Building, 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110283, dated July 23, 1956.

Liquid petroleum products, in tank vehicles, over regular routes, from Augusta, Kans., to Newman Grove, Nebr., serving the intermediate point of Wichita, Kans., and the off-route point of El Dorado, Kans., restricted to pick-up only.

From Kansas City (Argentine), Kans., to Saint Edward, Nebr., serving no intermediate points.

Petroleum and *petroleum products,* in bulk, in tank vehicles, over irregular routes, from Council Bluffs, Iowa, and points in Iowa within 10 miles thereof, to Ainsworth, Albion, Bassett, Columbus, Creston, Grand Island, Fullerton, Madison, Niobrara, Pierce, Plainview, Primrose, Tilden, Wahoo, Norfolk, and Osmond, Nebr., and from refining and distributing points in Kansas, to Niobrara, Pierce, and Plainview, Nebr., and *rejected* or *damaged shipments of petroleum and petroleum products* on return.

Refined petroleum products, from refining and distributing points in Kansas to Columbus, Nebr.

Refined petroleum products, in bulk, from refining and distributing points in Kansas to Hoskins, Winside, and Stanton, Nebr.

Liquid petroleum products, in bulk, from refining and distributing points in Kansas to Fullerton, Clarks, Albion, Saint Edward, and Platte Center, Nebr.

Petroleum products, in bulk, from refining and distributing points in Kansas to Grand Island, Osmond, Primrose, Columbus, Wahoo, Fullerton, Saint Edward, Belgrade, Greeley, Albion, Ericson, Tilden, Norfolk, Creston, Howells, Humphrey, Leigh, and Madison, Nebr.

Petroleum products, in bulk, in tank vehicles, from refining and distributing points in Kansas to a point (presently known as Ray Dvorak's service station) located approximately one mile north and four miles east of Brainerd, Nebr., on Alternate U. S. Highway 30.

No. MC 110468 (Sub No. 2), filed October 18, 1957, JOSEPH HERR, doing business as HERR TRUCKING COMPANY, 1132 Clinton, Fremont, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110468, dated November 21, 1951.

Lime and *limestone products,* over irregular routes, From points in Wood County, Ohio, to points in Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky., Brooke, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tyler, Wayne, Wood, and Wetzel Counties, W. Va., that part of Michigan on and south of Michigan Highway 55, that part of Indiana on and north of a line extending along U. S. Highway 52 from the Ohio-Indiana State line to junction Indiana Highway 46, thence along Indiana Highway 46 to Terre Haute, Ind., thence along U. S. Highway 40 to the Indiana-Illinois State line.

Materials, supplies, equipment and *machinery* used in the quarrying, refining, preparation and shipment of lime and limestone products, from points in the above-specified destination territory to points in Wood County, Ohio.

No. MC 110478 (Sub No. 6), filed November 7, 1957, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 110478, dated August 17, 1953.

Clay products, over irregular routes, from Uhrichsville, Ohio, and points within 3 miles thereof, and from points in Jefferson County, Ohio, to points in that portion of New York on and south of New York Highway 12F beginning at Black River Bay and extending to Watertown, N. Y., on and west of U. S. Highway 11 from Watertown to junction New York Highway 57 at Syracuse, N. Y., east of New York Highway 57 extending from Syracuse to Oswego, N. Y., and on and south of U. S. Highway 20 beginning at the New York-Massachusetts State line and extending to junction U. S. Highway 11, and east of U. S. Highway 11 beginning at junction U. S. Highway 20 and extending to the New York-Pennsylvania State line; points in New Jersey, Delaware, the District of Columbia, Virginia, and Maryland; those in West Virginia east of U. S. Highway 219 from the West Virginia-Maryland State line to junction U. S. Highway 60 and north of U. S. Highway 60 from said junction to the West Virginia-Virginia State line; those in Kentucky (except points in Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky.), and St. Louis, Mo., and points in St. Louis County, Mo.

Pallets and lumber used in connection with the manufacture or shipment of clay products, from points in the above-specified destination territory to Uhrichsville, Ohio, and points with 3 miles thereof, and points in Jefferson County, Ohio.

Fire clay and *clay products,* from Uhrichsville, Ohio, and points within 4 miles thereof, and points in Jefferson County, Ohio, to points in Pennsylvania, Ohio, Illinois, Indiana, Lower Peninsula of Michigan, points in Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky., points in New York on and west of a line beginning at Oswego, N. Y., and extending along New York Highway 57 to Syracuse, N. Y., thence along U. S. Highway 11 to the New York-Pennsylvania State line, and points in West Virginia on and west of a line beginning at the West Virginia-Maryland State line and extending along U. S. Highway 219, to junction U. S. Highway 60, and thence along U. S. Highway 60 to the West Virginia-Virginia State line.

Empty containers, used in the transportation of clay products, from points in the destination territory described immediately above to Uhrichsville, Ohio, and points within 4 miles thereof, and points in Jefferson County, Ohio.

No. MC 110478 (Sub No. 2), dated January 18, 1956.

Clay products, over irregular routes, from points in Palmyra Township, in Portage County, Ohio, to points in Illinois, Indiana, Kentucky, and St. Louis County, Mo.

Concrete sewer pipe and concrete manholes and fittings therefor, asphalt compound, and *sulphur compound,* from points in Palmyra Township, in Portage County, Ohio, to points in New York, Pennsylvania, and West Virginia.

Sewer pipe forms (iron or steel), between points in Palmyra Township, in Portage County, Ohio, on the one hand, and, on the other, Relay, Md., and Croydon, Pa.

Reinforcing steel mesh, from Monessen and Donora, Pa., to points in Palmyra Township, in Portage County, Ohio. Between points in Palmyra Township, in Portage County, Ohio, on the one hand, and, on the other, Relay, Md., and Croydon, Pa.

Asphalt compound, from Chester, W. Va., to Uhrichsville, Ohio, and points within 4 miles thereof, and points in Palmyra Township, in Portage County, Ohio.

Sulphur compound, from Emmaus, Pa., to Uhrichsville, Ohio, and points within 4 miles thereof, and points in Palmyra Township, in Portage County, Ohio.

No. MC 110478 (Sub No. 4), dated December 27, 1956.

Clay products and *fire clay,* over irregular routes, from points in Tuscarawas County, Ohio, and points in Springfield Township in Summit County, Palmyra Township in Portage County, and Brown Township in Carroll County, Ohio, to points in Wisconsin.

Cardboard and lumber used in the manufacture, packing or shipping of clay products and fire clay, from points in Wisconsin to points in Tuscarawas County, Ohio, and points in Palmyra Township in Portage County, Ohio.

No. MC 111308 (Sub No. 2), filed October 23, 1957, MARTIN S. MARKS, doing business as M. S. MARKS, 131 10th Avenue, New York, N. Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111308, dated April 13, 1951.

Alcoholic beverages, except malt beverages, over irregular routes, between Newark and Linden, N. J., on the one hand, and, on the other, points in the Port of New York District as described in the appendix to the order of the Commission, Division 4, in Ex Parte No. 140, Determination of the Limits of New York Harbor and Harbors Contiguous Thereto, entered on March 26, 1941.

No. MC 111419 (Sub No. 3), filed November 27, 1957, H. E. JENSEN, Box 21, Scottville, Mich. Applicant's attorney: Kit F. Clardy, Olds Tower, Lansing, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111419, dated March 8, 1955.

Salt, in truckloads, over irregular routes, from Manistee, Mich., to points in Indiana and Illinois.

NOTE: Applicant is authorized to conduct operations as a *common* carrier in Certificate No. MC 86580 and sub-numbers thereunder.

No. MC 111834 (Sub No. 2), filed November 29, 1957, RAYMOND R. BLOCK, doing business as ADAMS COAL CO., R. R. No. 1, Wittenberg, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111834, dated June 30, 1952.

Forest products, including *rough and surfaced lumber,* but not including veneer, plywood, dimension stock, and ce-

dar poles and posts, over irregular routes, between points in Menominee, Dickson, Iron, Baraga, Houghton, Ontonagon, and Marquette Counties, Mich., on the one hand, and, on the other, points in Wisconsin.

No. MC 112584 (Sub No. 17), filed October 23, 1957, FRED A. SHELTON, Copperhill, Tenn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 112584, dated May 15, 1956.

Sulphur dioxide, in bulk, in tank vehicles, over a regular route, from Copperhill, Tenn., to Sylva, N. C., serving no intermediate points.

Sulphur dioxide, in bulk, in tank vehicles, over irregular routes, from Copperhill, Tenn., to Dry Branch and Jesup, Ga., Fox, Ala., Natchez, Miss., and Canton, N. C.

No. MC 112584 (Sub No. 12), dated June 4, 1956.

Sulphur dioxide, in bulk, in tank vehicles, over irregular routes, from Copperhill, Tenn., to Foley, Fla.

No. MC 112833 (Sub No. 2) filed November 25, 1957, ELMER ROSE, doing business as ELMER ROSE TRUCKING COMPANY, 1300 Meridian Ave., Laurel, Miss. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 112833, dated January 29, 1953.

Emulsified asphalt, in bulk, in tank vehicles, over irregular routes, from Laurel, Miss., to points in Alabama and Tennessee.

No. MC 113756 (Sub No. 2) filed December 2, 1957, JOSEPH W. GEHR, Big Spring, Md. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113756, dated February 16, 1954.

New furniture, uncrated, over irregular routes, from Hagerstown, Md., to Baltimore, Md., Pittsburgh, Harrisburg, Lancaster, Allentown, Reading, Philadelphia, and Bala-Cynwyd, Pa., Wilmington, Del., Newark, Camden, and Trenton, N. J., Rochester, Buffalo, Syracuse, Schenectady, Albany, and New York, N. Y., New Haven, Hartford, and Bridgeport, Conn., Providence, R. I., Boston, Springfield, and Worcester, Mass., Akron and Cleveland, Ohio, and the District of Columbia.

Damaged, defective, rejected, or returned shipments, of the above-specified commodities, on return.

No. MC 113881 (Sub No. 2), filed November 29, 1957, EDWARD A. DeBOER, SR., AND ERNEST BEELS, doing business as DeBOER AND BEELS SYRACUSE TRANSFER & STORAGE CO., 122 North Edwards Avenue, Syracuse 6, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113881 (Sub No. 1), dated June 1, 1953.

New furniture, uncrated, over irregular routes, from Syracuse and Fayetteville, N. Y., to New York, N. Y., New Haven, Conn., Boston and Springfield, Mass., Newark, Teaneck, and Rutherford, N. J., Philadelphia, Pittsburgh, Reading, Jacobus, Carlisle, Esterly, and Sunbury, Pa., Baltimore, Md., and Washington, D. C.

No. MC 113929 (Sub No. 1) filed November 20, 1957, WILLIAM STONEBRAKER, doing business as STONEBRAKER TRUCKING SERVICE, 1907 West Clay Street, St. Charles, Mo. Applicant's attorney: B. Richards Creech, 124 South Main Street, St. Charles, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113929, dated March 23, 1954.

Superphosphate, in bulk, in dump vehicles, over irregular routes, from the site of Illinois Farm Supply Co's. plant, located approximately five miles east of East St. Louis, Ill., on U. S. Highway 40, to the site of Farm Bureau Service of Missouri, Ind., plant, near New Florence, Mo.

No. MC 114022 (Sub No. 3), filed November 29, 1957, C. J. WITTENBERGER, doing business as C. J. WITTENBERGER TRUCK & BUS SERVICE, Hartford, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

Passengers and their baggage and *baggage of passengers* in a separate vehicle, during the season between May 1 and November 30, both inclusive of each year, over irregular routes, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Indiana, Michigan, and Ohio.

No. MC 116821 (Sub No. 2) filed December 6, 1957, FURNITURE DELIVERY, INC., 121 West Salem Street, Columbiana, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 82336, dated February 6, 1950, a portion acquired pursuant to MC-FC 60315, reading:

New furniture, uncrated, from Columbiana, Ohio, to points in Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, West Virginia, the District of Columbia, and those in Monroe, Wayne, and Macomb Counties, Mich.

New furniture, and *used furniture,* when transported for or after refinishing, reconditioning, or reupholstering at a factory, repair shop, or upholstery shop, between points in Mahoning and Columbiana Counties, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line near Tuna, Pa., and extending along U. S. Highway 219 to junction U. S. Highway 322, thence along U. S. Highway 322 to junction U. S. Highway 220, thence along U. S. Highway 220 to the Maryland-Pennsylvania State line, including points on the indicated portions of the highways specified, and points in that part of West Virginia on and north of U. S. Highway 50.

Restriction: The service authorized immediately above is restricted against the transportation of new furniture from points in Warren County, Pa.

NOTE: See republication of MC 82336 (Sub No. 18) published this issue.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10894; Filed, Dec. 31, 1957; 8:45 a. m.]

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 27, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 7), THE GREYHOUND CORPORATION EASTERN GREYHOUND LINES), 2600 Hamilton Avenue, Cleveland 14, Ohio, filed December 18, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers,* over a deviation route, between the Western Terminus of the Connecticut Turnpike at the Connecticut-New York State line and the Eastern Terminus of the said turnpike at the Connecticut-Rhode Island State line over the Connecticut Turnpike and access routes as follows: in the City of Bridgeport, Conn., over city streets and over the entrance and exit ramps to the Connecticut Turnpike; in the city of New Haven, Conn., over city streets and over the entrance and exit ramps to the Connecticut Turnpike; from New London, Conn., over U. S. Highway 1A to its junction with the Connecticut Turnpike and over entrance and exit ramps to the Connecticut Turn-

pike at East Lyme, Conn.; and from New London over Connecticut Highway 85 to its junction with the Connecticut Turnpike and over entrance and exit ramps to the Connecticut Turnpike; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Boston over U. S. Highway 1 via Dedham and North Attleboro, Mass., to Providence, R. I., (also from Dedham over Massachusetts Highway 1–A to North Attleboro), thence over Rhode Island Highway 3 to Westerly, R. I., thence over U. S. Highway 1 and Alternate U. S. Highway 1 via Port Chester, N. Y. to New York (also from Port Chester over New York Highway 119 via White Plains, N. Y., to junction New York Highway 100, thence over New York Highway 100 to Yonkers, N. Y., thence over U. S. Highway 9 to New York and also from White Plains over New York Highway 22 to New York); from Boston over Massachusetts Highway 3 to Quincy, Mass., thence over Massachusetts Highway 37 via Holbrook, Mass., to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to Brockton, Mass., thence over Massachusetts Highway 123 to South Easton, Mass., thence over Massachusetts Highway 138 to Taunton, Mass., thence over U. S. Highway 44 to Providence, R. I., thence over Rhode Island Highway 3 to junction Rhode Island Highway 3–A, thence over Rhode Island Highway 3–A to Arctic, R. I., thence over Rhode Island Highway 117 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 via Wyoming, R. I., to Hopkinton, R. I., thence over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to New London; and from Providence over U. S. Highway 6 via Danielson and Willimantic, Conn., to junction Alternate U. S. Highway 6, thence over Alternate U. S. Highway 6 to Middletown, Conn., thence over Connecticut Highway 17 to New Haven, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10893; Filed, Dec. 31, 1957; 8:45 a.m.]

[Notice 197]

MOTOR CARRIER APPLICATIONS

DECEMBER 27, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub No. 88), filed November 4, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, P. O. Box 14287, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum oils,* and *liquid cleaning, scouring, and washing compounds,* in bulk, in tank vehicles, from New Orleans, La., to points in Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, and Utah.

HEARING: February 28, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 32.

No. MC 665 (Sub No. 55), filed September 23, 1957, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except Class A and B explosives, commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Welch, Okla., and Vinita, Okla., from Welch over Oklahoma Highway 2 to Vinita, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in Kansas, Arkansas, Missouri, and Oklahoma.

HEARING: February 14, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 1124 (Sub No. 141), filed September 3, 1957, HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities, including Class A and B explosives, and commodities requiring special equipment,* but excluding those of unusual value, household goods as defined by the Commission, and commodities in bulk, (1) between Shreveport, La., and Alexandria, La., over U. S. Highway 71, as an alternate route for operating convenience only, serving no intermediate points; (2) between Shreveport, La., and Junction U. S. Highways 190 and 71 near Krotz Springs, La., over U. S. Highway 71, as an alternate route for operating convenience only, serving no intermediate points; (3) between Alexandria, La., and Junction U. S. Highways 190 and 71 near Krotz Springs, La., over U. S. Highway 71, as an alternate route for operating convenience only, serving no intermediate points. The above routes are in connection with applicant's authorized regular route operations.

NOTE: Duplicating authority should be eliminated. Applicant is authorized to conduct operations in Louisiana, Texas, Oklahoma, Arkansas and Tennessee.

HEARING: February 26, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 1124 (Sub No. 142), filed November 15, 1957, HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier,* transporting: *General commodities,* including Class A and B explosives, but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading, serving the site of the Wyandotte Chemicals Corporation Chemical Plant located near Geismar, La., approximately 6 miles west of Gonzales, La. (which is located on U. S. Highway 61 approximately 25 miles south of Baton Rouge, La.), as an off-route point in connection with applicant's authorized regular route operations between Baton Rouge and New Orleans, La., over U. S. Highway 61.

HEARING: February 27, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 27903 (Sub No. 18), filed December 20, 1957, CHARLES W. KARPER, 144 South Eighth Street, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Ready cut and pre-fabricated houses* and *buildings,* from Chambersburg, Pa., to points in New Jersey, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Kentucky, and Tennessee, and *refused and damaged shipments* of the commodities specified in this application on return.

HEARING: February 5, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 28439 (Sub No. 82), filed December 11, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Agricultural implements, agricultural machinery, incidental agricultural implements* and *agricultural machinery parts and accessories,* and *materials* and *supplies* used in the manufacture of agricultural implements and machinery, between points in Lancaster and Mifflin Counties, Pa., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

No. MC 35088 (Sub No. 1), filed April 5, 1957, (Amended November 8, 1957), published in August 28, 1957 issue, page 6944, R. T. GILL, JR., 530 Deckbar Ave-

nue, Mail: P. O. Box 10145 New Orleans 21, La. Applicant's attorney: Lamar Polk, 715 Johnson Street, Alexandria, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between all points in Louisiana.

NOTE: Applicant proposes to traverse a portion of the state of Mississippi for operating convenience only.

CONTINUED HEARING: February 20, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 68349 (Sub No. 22), filed November 18, 1957, ROWE TRANSFER & STORAGE COMPANY, a Corporation, 1319 Western Avenue SW., Knoxville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between the United States Atomic Energy Commission plants at Fernald, Ohio, and Oak Ridge, Tenn. Applicant is authorized to transport the commodities specified in Kentucky, South Carolina, and Tennessee.

HEARING: January 16, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board 209, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 99703 (Sub No. 1), CENTRAL FREIGHT LINES, 423 North Main, Helena, Mont. Applicant's attorney: Paul T. Keller, Penwell Block, Helena, Mont. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be under common management or control with any other carrier engaged in operations in any other State, and of the eligibility of the said CENTRAL FREIGHT LINES to engage in operations in interstate or foreign commerce within the State of Montana under the second proviso of section 206 (a)- (1) of the Interstate Commerce Act.

HEARING: February 3, 1958, at the U. S. Court Rooms, Helena, Mont., before Examiner David Waters.

No. MC 102567 (Sub No. 61), filed September 30, 1957, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. Mailing address: P. O. Box 1822, Shreveport, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphate black liquor skimmings*, in bulk, in tank vehicles, from the site of the plant of International Paper Company located at or near Pine Bluff, Ark., to the sites of the plants of International Paper Company located at or near Natchez, Miss., and Springhill, La. Applicant is authorized to transport specified commodities in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, and similar commodities in Arkansas and Louisiana.

HEARING: February 20, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 218.

No. MC 106977 (Sub No. 18), filed September 3, 1957, T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P. O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Shreveport, La., and Alexandria, La., from Shreveport over U. S. Highway 71 to Alexandria, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only and coordinating the proposed service with the existing service of applicant.

HEARING: February 24, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 107002 (Sub No. 115), filed December 2, 1957, W. M. CHAMBERS TRUCK LINE, INC., P. O. Box 687, New Orleans 7, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Venice, La., and points within five miles of Venice, to points in Mississippi. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

HEARING: February 21, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 107403 (Sub No. 252), filed November 19, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Covington, Ky., to points in Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 10, 1958, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 109060 (Sub No. 54), filed December 12, 1957, JULIA L. HAGAN, doing business as HAGAN TRUCK LINE, 3405 Bainbridge Boulevard, South Norfolk, Va. Applicant's attorney: Chester E. King, 1507 M Street, NW, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and all *component parts* necessary to the construction erection, or completion of such buildings or houses, when shipped with same, from Allentown and Bethlehem, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities on return. Applicant is authorized to transport the commodities specified in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: February 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lacy W. Hinely.

No. MC 109637 (Sub No. 63), filed December 6, 1957, GASOLINE TRANSPORT CO., a corporation, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Indianapolis, Ind., to Buffalo, N. Y., and points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: February 4, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 110505 (Sub No. 36), filed December 12, 1957, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm and industrial tractors*, restricted to traffic having a prior movement by water, from Baltimore, Md., and New York, N. Y., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and *damaged or rejected shipments* of the commodities specified in this application from the above destination territory to Baltimore, Md., and New York, N. Y. Applicant is authorized to transport similar commodities in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

HEARING: January 31, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Dallas B. Russell.

No. MC 111138 (Sub No. 8), (Amended) filed October 18, 1957, published December 4, 1957 issue, on Page 9718, COLONIAL & PACIFIC FRIGIDWAYS, INC.,

1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Applicant's attorneys: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala., and Loyal G. Kaplan, 924 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils, and products and blends thereof; deodorized edible fish oils or blends thereof; wines and beer without stipulated alcoholic contents, other than state regulations; fruit juices with and without sugar content; imitation fruit flavored drink with sugar added and fruit juice mixtures with or without sugar added or blends thereof;* in bulk, in tank vehicles, between points in Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Arkansas on the one hand, and, on the other, points in California, Washington, Oregon, Idaho, Utah, and Phoenix, Ariz. Applicant is authorized to transport other commodities from specified points in Illinois, Iowa, and Wisconsin to specified points in California and Washington.

HEARING: Remains as assigned February 10, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 112497 (Sub No. 99), filed September 16, 1957, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096, Istrouma Branch, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Benzene* (Benzol), in bulk, in tank vehicles, from Baton Rouge, La., to McIntosh, Ala. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Alabama, Florida, Georgia, Tennessee, Missouri, California, Ohio, New York, Texas, South Carolina, North Carolina, and Kentucky.

HEARING: February 21, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 165.

No. MC 116387 (Sub No. 8), filed December 20, 1957, ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Acids, Chemicals* and *cleaning compounds*, in bulk, in tank vehicles, from McIntosh, Ala., and points within 10 miles thereof to points in Florida, Georgia, Ohio, South Carolina, and Tennessee. Applicant is authorized to conduct operations in Alabama, Mississippi, Tennessee, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina, and Arkansas.

HEARING: January 20, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Examiner Michael B. Driscoll.

No. MC 117052, filed November 22, 1957, ALVIE L. JOWERS, 5982 Evangeline Street, Baton Rouge, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, between points in Louisiana, on the one hand, and, on the other, points in the United States.

HEARING: January 29, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 117088, filed December 18, 1957, ASPHALT TRANSPORT, INC., 3000 Airline Highway (P. O. Box 7335), New Orleans 19, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *asphalt products*, in bulk, (1) from points in Warren County, Miss., to all points in Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, West Carroll, and Winn Parishes in Louisiana; and (2) from points in Orleans, Jefferson, St. Charles, and East Baton Rouge Parishes, La., to all points in Caldwell, Catahoula, Concordia, Franklin, East Carroll, La Salle, Madison, Morehouse, Ouachita, Richland, Tensas, and West Carroll Parishes in Louisiana; and *cement*, in bulk, from the same origin points to the same destination points as specified in (2) above.

HEARING: February 28, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 117088, filed December 18, 1957, ASPHALT TRANSPORT, INC., 3000 Airline Highway (P. O. Box 7335), New Orleans 19, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *asphalt products*, in bulk, (1) from points in Warren County, Miss., to all points in Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, West Carroll, and Winn Parishes in Louisiana; and (2) from points in Orleans, Jefferson, St. Charles, and East Baton Rouge Parishes, La., to all points in Caldwell, Catahoula, Concordia, Franklin, East Carroll, La Salle, Madison, Morehouse, Ouachita, Richland, Tensas, and West Carroll Parishes in Louisiana; and *cement*, in bulk, from the same origin points to the same destination points as specified in (2) above.

HEARING: February 28, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 28680 (Sub No. 15), filed October 25, 1957, JORDAN BUS COMPANY, a corporation, Jordan Terminal Building, Hugo, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *mail*, in the same vehicle with passengers, between Oklahoma City, Okla., and Maysville, Okla., over Oklahoma Highway 74, serving all intermediate points, including Purcell, Okla., and the off-route points of Norman and Washington, Okla.; and also serving Maysville as a point of joinder. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

HEARING: February 13, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 28680 (Sub No. 17), filed November 6, 1957, JORDAN BUS COMPANY, a Corporation, Jordan Terminal Building, Hugo, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers, express, mail* and/or *baggage of passengers* in the same vehicle with passengers, between Tecumseh, Okla., and Spiro, Okla., from Tecumseh over Oklahoma Highway 9 to Spiro, and return over the same route, serving all intermediate points between Tecumseh and Whitefield, Okla., restricted against local service between Whitefield and Spiro, Okla., and serving the off-route point of Seminole, Okla. Applicant is authorized to conduct similar operations between specified points in Oklahoma, Texas, and Arkansas.

HEARING: February 11, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 109780 (Sub No. 49), filed November 15, 1957, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, baggage of passengers, light express*, and *newspapers* (in the same vehicle) between Eufaula, Okla., and Whitefield, Okla., over Oklahoma Highway 9, serving all intermediate points. Applicant is conducting operations in Arizona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Utah.

HEARING: February 14, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 116912, filed September 5, 1957, WORKER'S TRANSPORTATION OF DEQUINCY, LOUISIANA, INC., P. O. Box 776, De Quincy, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* (to consist of plant workers only), between De Quincy, Fields, Singer, Ragley, Perkins, and Starks, La., (all within 17 miles of De Quincy, La.), and an area described as the industrial area lying between a point approximately 5 miles south of Orange, Texas, to a point 3 miles north of Port Arthur, Texas, commonly known as the mid-county area.

HEARING: February 21, 1958, at the Jung Hotel, New Orleans, La., before Joint Board No. 32.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 112668 (Sub No. 14), filed December 19, 1957, HARVEY R. SHIPLEY AND SONS, INC., R. F. D. No. 1, Finksburg, Md. Applicant's attorney: Donald E. Freeman, Uniontown Road, 24, West-

minster, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, in bulk, in special equipment, from Retsof, N. Y., to points in Maryland (except Baltimore). Applicant is authorized to transport salt, in bulk, from Retsof, N. Y., to Baltimore, Md.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6790. Authority sought for purchase by DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa., of a portion of the operating rights of CONTRACTORS TRANSIT, INC., 3770 Grant Street, Gary, Ind., and for acquisition by URIE D. LUTZ, HELEN B. LUTZ, and D. E. LUTZ, all of Carlisle, of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D. C. Operating rights sought to be transferred: *Building contractors' equipment*, as a *common carrier* over irregular routes, between certain points in Indiana, on the one hand, and, on the other, Louisville, Ky., and points in Illinois and Ohio. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6791. Authority sought for purchase by J. H. MARKS TRUCKING CO., INC., 2404 East Eighth Street (P. O. Box 2192), Odessa, Tex., of the operating rights of DALE TRUCK LINE, INC., 6021 Calhoun Road (P. O. Box 14134), Houston, Tex., and for acquisition by J. H. MARKS, also of Odessa, of control of such rights through the purchase. Applicants' attorney: Herbert L. Smith, 401 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes, between points in Louisiana and Texas. Vendee is authorized to operate as a *common carrier* in New Mexico, Oklahoma, Texas, Colorado, Utah, Montana, Wyoming, and Arizona. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6792. Authority sought for purchase by SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis., of a portion of the operating rights and certain property of BARRY TRANSFER & STORAGE COMPANY, 433 North Jefferson Street, Milwaukee 2, Wis., and for acquisition by FRED J. SCHWERMAN, FRED SCHWERMAN, SR., RICHARD D. SCHWERMAN and CARL L. SCHWERMAN, all of Milwaukee, of control of such rights and property through the purchase. Applicants' attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *contract carrier* over irregular routes, from Lemont and Lockport, Ill., and points in the Chicago, Ill., Commercial Zone, to points in specified counties in Wisconsin, from points in the Chicago, Ill., Commercial Zone, and Lemont and Lockport, Ill., to points in specified counties in Wisconsin, and from Rochelle, Ill., and points within two miles thereof, and Rockford, Ill., to points in specified counties in Wisconsin. Vendee is authorized to operate as a *contract carrier* in Indiana, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10895; Filed, Dec. 31, 1957; 8:45 a. m.]

[Ex Parte No. 212]

INCREASED FREIGHT RATES, 1958

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 27th day of December A. D., 1957.

It appearing that on December 23, 1957, substantially all of the Class I railroads and many other railroads filed schedules of increased freight rates and charges under authority of section 6 of the Interstate Commerce Act and Special Permission Order No. 75100 issued by the Commission, said tariff schedules to become effective February 1, 1958, subject to possible investigation and suspension by the Commission as provided by the Interstate Commerce Act;

It further appearing that on December 23, 1957, the above railroads filed a petition requesting the issuance of orders granting relief from others outstanding in previous cases, for relief from section 4 of the act, and for all other relief necessary to permit the aforesaid schedules to go into effect without suspension but subject to the condition that refund be made in the event that, after full investigation, no increase or a lesser increase than that set forth in the schedules is allowed with respect to particular rates; and also asking that the Commission grant all final relief, after complete investigation, necessary to the changing of the aforesaid increased rates and charges;

It is ordered, That under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), sections 4, 6, 15, and 15a of the Interstate Commerce Act (49 U. S. C. 4, 6, 15, and 15a) any person may submit statements properly verified, with or without exhibits attached, in the following manner:

(a) Statements in support of petition and in justification of proposed tariffs: An original and 24 copies of statements in support of the petition shall be furnished to the Commission, and a copy served upon each party of record in Ex Parte No. 206, and one copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. A list of the addresses of the Regional Offices and Regional Managers is set forth below. Such statements must be filed on or before January 3, 1958.

(b) Statements not in support of petition and of the proposed tariffs: An original and 24 copies of statements in opposition to the petition, or not in support of the petition, shall be furnished to the Commission, and 25 copies shall be furnished to Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D. C., for the railroads. One copy of such statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. These statements must be filed on or before January 20, 1958. A copy shall be furnished to any interested person upon request. Statements should specify the particular order or orders of the Commission the modification of which is objected to, and the reasons therefor.

(c) Statements in reply: Statements in reply must be filed on or before January 28, 1958, and an original and 24 copies must be furnished to the Commission. The person whose verified statement is being replied to shall be served with a copy of the reply by first-class mail, and a copy of each verified reply statement shall be sent to each of the Regional Offices of the Commission where it will be open to public inspection. A copy shall be furnished to any interested party upon request.

(d) Oral argument: An oral argument will be held before the Commission at its offices in Washington, D. C., beginning at 10:00 o'clock a. m., January 29, 1958. Any person desiring to participate in oral argument should request an allotment of time as provided by the Commission's general rules of practice. The oral argument will include the issues of whether to grant the relief requested in the above-referred-to petition, and whether to suspend the proposed tariff schedules in whole or in part.

(e) Protests against the proposed tariff schedules may also be filed as provided by Rule 1.42 of the Commission's general rules of practice. Such protests need not be in the form of affidavits. It is requested that 25 copies of such protests be furnished to Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D. C., for the railroads.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A—INTERSTATE COMMERCE COMMISSION REGIONAL OFFICES

REGION 1

Territory: Maine, New Hampshire, Vermont, Rhode Island, Massachusetts.
Headquarters: Boston 9, Mass., 14–17 Court Square, 11th Floor.
In charge: George R. Nuzum, Regional Manager.

REGION 2

Territory: New York, New Jersey, Connecticut.
Headquarters: New York 13, N. Y., Room 1111, 346 Broadway.
In charge: Thomas L. McClelland, Regional Manager.

REGION 3

Territory: Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia.
Headquarters: Philadelphia 6, Pa., 800 U. S. Custom House Building, Second and Chestnut Street.
In charge: T. G. Reynolds, Regional Manager.

REGION 4

Territory: Western Pennsylvania, Ohio, West Virginia.
Headquarters: Columbus 15, Ohio, 236 New Post Office Building (85 Marconi Boulevard).
In charge: Roy M. Snetzer, Regional Manager.

REGION 5

Not active.

REGION 6

Territory: Georgia, Florida, Alabama, North Carolina, South Carolina.
Headquarters: Atlanta 8, Ga., 680 West Peachtree Street, NW.
In charge: William Addams, Regional Manager.

REGION 7

Territory: Kentucky, Tennessee, Mississippi.
Headquarters: Nashville 3, Tenn., Room 701, U. S. Court House, 801 Broadway.
In charge: E. S. Craig, Regional Manager.

REGION 8

Territory: Indiana, Illinois, Michigan.
Headquarters: Chicago 7, Ill., 852 U. S. Custom House Building, 610 South Canal Street.
In charge: Harry P. Raymond, Regional Manager.

REGION 9

Territory: Wisconsin, Minnesota, North Dakota, South Dakota.
Headquarters: Minneapolis, Minn., 618 Metropolitan Building, Second Avenue South and Third Street.
In charge: W. E. Hustleby, Regional Manager.

REGION 10

Territory: Iowa, Missouri, Nebraska, Kansas.
Headquarters: Kansas City 6, Mo., 1100 Federal Office Building, 911 Walnut Street.
In charge: H. Joseph Simmons, Regional Manager.

REGION 11

Not active.

REGION 12

Territory: Texas, Oklahoma, Arkansas, Louisiana.
Headquarters: Fort Worth 2, Tex., 816 T & P Building.
In charge: Bernard H. English, Regional Manager.

REGION 13

Territory: Wyoming, Colorado, New Mexico, Utah, Montana.
Headquarters: 502 Denham Building, Denver 2, Colo.
In charge: Bert L. Penn, Regional Manager.

REGION 14

Not active.

REGION 15

Territory: Oregon, Washington, Idaho.
Headquarters: Portland 5, Oreg., 538 Pittock Block, 921 SW. Washington Street.
In charge: Frank E. Landsburg, Regional Manager.

REGION 16

Territory: Arizona, California, Nevada.
Headquarters: San Francisco 5, Calif., 602 Sheldon Building, 461 Market Street.
In charge: Dean F. Noble, Regional Manager.

[F. R. Doc. 57–10905; Filed, Dec. 31, 1957; 8:47 a. m.]